STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS
P.O. BOX 2000, SACRAMENTO, CA 95812-2000
(916) 657-2170

STATE WATER RESOURCES CONTROL BOARD
2002 JAN -4 PM 2:09
SACRAMENTO

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1998

OWNER OF RECORD: SOUTHERN CALIFORNIA EDISON COMPANY

MANAGER, HYDRO GENERATION DIVISION
SOUTHERN CALIFORNIA EDISON COMPANY
PO BOX 800
ROSEMEAD, CA 91770

STATEMENT NO: S007772

S 0 0 7 7 7 2

SOURCE: NORTH FORK OF MIDDLE FORK TULE RIVER
TRIBUTARY TO: MIDDLE FORK TULE RIVER
COUNTY: TULARE
DIVERSION
WITHIN: NW¼ OF NE¼ SECTION 26, T20S, R30E, MB&M.

TELEPHONE NUMBER: ~~(818) 302-8947~~ (909) 394-8718
YEAR OF FIRST USE: 1909
PARCEL NO:

A. Water is used under: Riparian claim _____; Pre 1914 right X; Other (explain): _____

B. Year of first use (Please provide if missing above) _____.

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☒ Acre-feet ☐ (other) _____

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
~~1995~~													
~~1996~~	1750	1042	1136	1089	1146	1086	1116	1102	896	1100	1020	1870	13,752
1997	2140	2000	2190	2150	2260	2090	2110	1480	1150	1460	1610	1870	22,510
	1410	1950	2100	2210	2140	2030	1990	1750	1220	0	0	0	16,800

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____ acres, Stockwatering _____; Domestic _____

Other (specify) Hydro Electric Generation

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

None

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

None

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 12/28/01, 19__ **at** SAN DIMAS, **California**

SIGNATURE: Brian M. McGurty

PRINTED NAME: Brian (FIRST NAME) M (MIDDLE INIT.) McGurty (LAST NAME)

COMPANY NAME: Southern California Edison

See back of page for General Information. If there is insufficient space for your answers, please number them in the space provided on the back of this form.

JAN 23 2002

WR 40-1

ITEM CONTINUATION

Note: this same water also reported under Supplemental Statement No. 7780

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same water shed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by a riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"
"Information Pertaining to Water Rights in California"
"Water Rights for Stockponds Constructed Prior to 1969"
"Appropriation of Water in California"

State Water Resources Control Board

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
FAX 916.341.5400 ♦ www.waterrights.ca.gov

Alan C. Lloyd, Ph.D.
Agency Secretary

Arnold Schwarzenegger
Governor

AUG 10 2005

In Reply Refer
to: 331:JP:S001828

Southern California Edison Company
Attn: VP, Power Production Company
300 N. Lone Hill Avenue
San Dimas, CA 91773

Dear Sir or Madam:

OWNER ASSIGNMENT FOR STATEMENTS OF WATER DIVERSION AND USE LISTED BELOW

On January 3, 2005, the State Water Resources Control Board, Division of Water Rights (Division) received a letter from the Southern California Edison Company, which included the Supplemental Statements of Water Diversion and Use (Statements) listed below, and that requested the change of contact agent on all Statements to VP, Power Production Department.

STATEMENT NUMBER	SOURCE	TRIBUTARY TO	COUNTY
S001828	Unnamed Spring	Ely Meadow	Fresno
S001830	Corral Creek	Kern River	Tulare
S001840	Alder Creek	Santa Ana River	San Bernardino
S001841	Keller Creek	Santa Ana River	San Bernardino
S007749	Rush Creek	Mono Lake	Mono
S007750	Bear Creek	Santa Ana River	San Bernardino
S007751	Birch Creek	McGee Creek	Inyo
S007752	Bishop Creek	Owens River	Inyo
S007753	Bishop Creek	Owens River	Inyo
S007754	Bishop Creek	Owens River	Inyo
S007755	Bishop Creek	Owens River	Inyo
S007756	Breakneck Creek	Santa Ana River	San Bernardino
S007757	Lytle Creek	Santa Ana River	San Bernardino
S007758	Rush Creek	Mono Lake	Mono
S007759	Middle Fork Bishop Creek	Bishop Creek	Inyo
S007760	East Fork Kaweah River	Kaweah River	Tulare
S007761	Kern River	Buena Vista Lake	Kern
S007763	Mill Creek	Mono Lake	Mono
S007764	Lytle Creek	Santa Ana River	San Bernardino
S007765	Marble Fork Kaweah River	Middle Fork Kaweah River	Tulare

S007767	Middle Fork Kaweah River	Kaweah River	Tulare
S007768	Middle Fork Kaweah River	Kaweah River	Tulare
S007769	Mill Creek	Santa Ana River	San Bernardino
S007770	Mill Creek	Santa Ana River	San Bernardino
S007772	North Fork of Middle Fork Tule River	Middle Fork Tule River	Tulare
S007774	San Antonio Wash	Chino Creek	Los Angeles
S007775	Lee Vining Creek	Mono Lake	Mono
S007776	Middle Fork Bishop Creek	Bishop Creek	Inyo
S007777	Lee Vining Creek	Mono Lake	Mono
S007778	Santa Ana River	Pacific Ocean	San Bernardino
S007779	South Fork Bishop Creek	Bishop Creek	Inyo
S007780	South Fork of Middle Fork Tule River	Middle Fork Tule River	Tulare
S007782	South Fork Bishop Creek	Bishop Creek	Inyo
S007783	Glacier Canyon	Tioga Lake	Mono

Division staff has updated the ownership information of the above Statements to show the following:

Statement ID: Various, listed above
Current Owner: Southern California Edison Company
Mailing Address: Attn: VP, Power Production Department
300 N. Lone Hill Avenue
San Dimas, CA 91773
Telephone: (909) 394-8718

The following table of Statements was reported by the Southern California Edison Company as having been converted to Permit Reports. These Statements will have their ownership information updated, however, because these Statements were not returned, they will be recorded as having three years of no use. The Division needs a letter stating if the Statements listed below have been abandoned in favor of the Permits.

STATEMENT NUMBER	SOURCE	TRIBUTARY TO	COUNTY
S001813	Crater Creek	South Fork San Juan River	Fresno
S001815	East Fork Camp 61 Creek	Camp 61 Creek	Fresno
S001816	West Fork Camp 61 Creek	Camp 61 Creek	Fresno
S001817	Camp 62 Creek	South Fork San Joaquin River	Fresno
S001818	Chinquapin	Camp 62 Creek	Fresno
S001820	Big Creek	San Joaquin River	Fresno
S001824	Balsam Creek	Big Creek	Fresno
S001825	Eley Creek	Big Creek	Fresno

As well, the following table of Statements was reported by the Southern California Edison Company as having been converted to License Reports. These Statements will have their ownership information updated, however, because these Statements were not returned, they will be recorded as having three years of no use. The Division needs a letter stating if the Statements listed below have been abandoned in favor of the Licenses.

STATEMENT NUMBER	SOURCE	TRIBUTARY TO	COUNTY
S007762	McGee Creek	Horton Creek	Inyo
S007766	McGee Creek	Horton Creek	Inyo

The following Statements were listed by Southern California Edison Company as abandoned. The Division has updated their records to show these Statements as inactive.

STATEMENT NUMBER	SOURCE	TRIBUTARY TO	COUNTY
S001814	Unnamed Spring	Strawberry Creek	Fresno
S001821	Pitman Creek	Big Creek	Fresno
S001822	Snowslide Creek	Big Creek	Fresno
S001823	Adit 8 Creek	Big Creek	Fresno
S007771	Mountain Home Creek	Mill Creek	San Bernardino
S007781	Mill Creek	Santa Ana River	San Bernardino

The Division will use VP, Power Production Department as the primary contact for future mailings. A Supplemental Statement will be mailed to the Southern California Edison Company every three years. The submittal of a Supplemental Statement is the record of your water use. It is used by the Division to verify existing data and also gives the Division the ability to notify you of water right matters related to your riparian claim.

Should you have questions regarding this matter, please call me at (916) 341-5315.

Sincerely,

ORIGINAL SIGNED BY

Susan J. Wilson
Sanitary Engineering Associate
Water Rights Processing Unit

bcc: Susan Wilson

JParks:jp/xrivera:7-12-05:7-25-05
U:\PERDRV\JParks\Statements\S001828 STATEMENT asgn ltr.doc

SJW

SOUTHERN CALIFORNIA
EDISON
An EDISON INTERNATIONAL® Company

STATE WATER RESOURCES CONTROL BOARD

2005 JAN -3 AM 11:55

DIV. OF WATER RIGHTS SACRAMENTO

December 27, 2004

Mr. Steven Herrera, Chief
Water Right Permitting Section
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

Subject: **SCE Supplemental Statements of Water Diversion and Use**
<u>Report Cycle 2001-2002-2003</u>

Dear Mr. Herrera:

Enclosed in response to your notice sent out earlier this year are completed water rights forms for the 3-year report cycle for 2001-2002-2003 for Southern California Edison Co. (SCE) Supplemental Statements of Water Diversion and Use as listed in Attachment 1. The last such filing for these statements was made with SCE letter of December 28, 2001. Information sheets indicating ownership, location, and parcel numbers for each of these statements was submitted with our prior 1997 filing.

Please note that we have been having problems tracking down all of these forms (even though this filing is complete) because they have been variously received through our Law Department, Real Properties (Right of Way & Land) Department, Customer Service Department, and Power Production Department. Accordingly, please direct all future forms to:

Vice President , Power Production Department
Southern California Edison Company
300 N. Lone Hill Ave.
San Dimas, CA 91773

1000 9903

If you have any questions or need additional information, I can be reached at (909) 394-8718 or at Brian.McGurty@sce.com.

Sincerely,

Brian M. McGurty
Chief Hydrographer
Hydro Generation Division

Attachment
Enclosures

08 25 05 PLM

300 N. Lone Hill Ave.
San Dimas, CA 91773-1741

Attachment 1

So. Calif. Edison Co. Supplemental Statements of Water Diversion and Use
for
Report Cycle 2001-2002-2003

WRIMS Assignment PLM

Statement No.	Source
Following Statements are enclosed herein: done 6-22-05	
001828	Unnamed Spring (Eley Meadow)
001830	Corral Creek
001840	Alder Creek
001841	Keller Creek
007749	Rush Creek (Agnew Lake)
007750	Bear Creek (SAR)
007751	Birch Creek
007752	Bishop Creek
007753	Bishop Creek
007754	Bishop Creek
007755	Bishop Creek
007756	Breakneck Creek
007757	Lytle Creek
007758	Rush Creek (Gem Lake)
007759	Middle Fork Bishop Creek
007760	East Fork Kaweah River
007761	Kern River
007763	Mill Creek (Lundy)
007764	Lytle Creek
007765	Marble Fork Kaweah River
007767	Middle Fork Kaweah River
007768	Middle Fork Kaweah River
007769	Mill Creek (SAR)
007770	Mill Creek (SAR)
007772	North Middle Fork Tule River
007774	San Antonio Wash
007775	Lee Vining Creek
007776	Middle Fork Bishop Creek
007777	Lee Vining Creek
007778	Santa Ana River
007779	South Fork Bishop Creek
007780	South Middle Fork Tule River
007782	South Fork Bishop Creek
007783	Glacier Canyon

Statement No.	Source
Following Statements have been previously converted to Permit Reports (as noted in 5/16/97 filing): done 6-27-05	
001813	Crater Creek
001815	East Fork Camp 61 Creek
001816	West Fork Camp 61 Creek
001817	Camp 62 Creek
001818	Chinquapin Creek
001820	Big Creek
001824	Balsam Creek
001825	Eley Creek
Following Statements have been previously converted to License Reports (as noted in 5/16/97 filing): done 6-27-05	
007762	McGee Creek
007766	McGee Creek
Following Statements have been previously abandoned (as noted in 5/16/97 filing): Inactive 6-27-05	
001814	Unnamed Spring (Strawberry Creek)
001821	Pitman Creek
001822	Snowslide Creek
001823	Adit 8 Creek
Following Statements are being abandoned as of this filing: Inactive 6-27-05	
007771	Mountain Home Creek
007781	Mill Creek (SAR)

State of California, State Water Resources Control Board
Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

S007772%S%2003

2001, 2002, 2003

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return This Form by August 1, 2004.

***If the mail recipient's name, address or phone No. is wrong or missing, please correct.**

Owner of Record: SOUTHERN CALIFORNIA EDISON COMPANY;

STATEMENT NO.: S007772
CONTACT PHONE NO.: (909)394-8718

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:

SOUTHERN CALIFORNIA EDISON COMPANY
MANAGER HYDRO GENERATION DIVISION
PO BOX 800
ROSEMEAD, CA 91770

2005 JAN -3 AM 11:57
DIV OF WATER RIGHTS SACRAMENTO
STATE WATER RESOURCES CONTROL BOARD

Source Name: NORTH FORK OF MIDDLE FORK TULE RIVER
Tributary To: MIDDLE FORK TULE RIVER
County: Tulare
Diversion Within: NW1/4 of NE1/4 Section 26, T20S, R30E, MB&M

Year of First Use: 1909
Parcel Number: 148-54-20-136005

A Water is used under: Riparian claim _____ Pre 1914 right X Other (explain), _____

B. Year of first use (Please provide if missing above) _____

C. Amount of Use – Enter the amount (or the approximate amount) of water used each month.

Amounts below are: Gallons _____ Acre-feet ✓ Other _____

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2001	1,340	1,910	2,310	2,220	2,200	1,700	1,040	548	480	302	162	415	14627
2002	1,760	2,070	2,270	2,090	2,260	2,110	1,110	625	511	932	958	994	17,690
2003	2,180	1,760	2,150	1,990	0	0	0	0	0	1340	1,770	1,860	13050

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____ acres; Stockwatering _____; Domestic _____;

Other (specify) HYDROELECTRIC GENERATION

E. Changes in Method of Diversion – Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

_____

F Please answer only those questions below which are applicable to your project.

1. Conservation of water
   a. Are you now employing water conservation efforts? YES ___ NO ___
   Describe any water conservation efforts you have initiated: _____

   b. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

   Reductions in Diversions:

   yr____ _____ (af/mg) yr____ _____ (af/mg) yr____ _____ (af/mg)

   Reductions in consumptive use:

   yr____ _____ (af/mg) yr____ _____ (af/mg) yr____ _____ (af/mg)

   I have data to support the above surface water use reductions due to conservation efforts. YES ___ NO ___

06 22 05 PLM
WRMS

5-11-05 PLM

ST-SUPPL (6-03)

2. Water quality and wastewater reclamation

   a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES _____ NO _____

   b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

   yr_____ _____ (af/mg) yr_____ _____ (af/mg) yr_____ _____ (af/mg)
   I have data to support the above surface water use reductions due to wastewater reclamation. YES ___ NO ___

3. Conjunctive use of surface water and groundwater

   a. Are you now using groundwater in lieu of surface water? YES _____ NO _____.

   b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

   yr_____ _____ (af/mg) yr_____ _____ (af/mg) yr_____ _____ (af/mg)
   I have data to support the above surface water use reductions due to conjunctive use efforts YES ___ NO ___

I understand that it may be necessary to document the water savings claimed in "F." above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 12/21/04, 20_____ at SAN DIMAS, California

SIGNATURE: Brad M. McElroy

PRINTED NAME: _____
(first name) (middle init.) (last name)

COMPANY NAME: SCE

If there is insufficient space for your answers, please use the space provided below.

ITEM	CONTINUATION
____	Note: This same water also reported under Supplemental
____	Statement No. 7780.
____	
____	
____	

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriate rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre 1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at http://www.swrcb.ca.gov"

State Water Resources Control Board

Division of Water Rights
901 P Street • Sacramento, California 95814 • (916) 657-1971
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
FAX (916) 657-1485 • Web Site Address: http://www.swrcb.ca.gov

Winston H. Hickox
Secretary for Environmental Protection

Gray Davis
Governor

S7772
SURNAME

JUL 29 1999

Mr. David W. Kay
Southern California Edison
P.O. Box 800
Rosemead, California 91770

Dear Mr. Kay:

REQUEST FOR SECTION 401 WATER QUALITY CERTIFICATION,
LOWER TULE RIVER HYDROELECTRIC PROJECT, FERC NO. 372

We received your letter dated July 7, 1999, requesting a Clean Water Act section 401 certification for the Lower Tule River Hydroeletric Project, Federal Energy Regulatory Commission (FERC) license number 372. The letter was received by our office on July 13, 1999. The State Water Resources Control Board has one year from the date of receipt to act on your request for a certification.

Within the State of California, the SWRCB has the authority to issue section 401 certifications for hydroelectric facilities when they are obtaining a license from the FERC. The issuance of the section 401 certification by the SWRCB is a discretionary action and the SWRCB will be required to comply with the California Environmental Quality Act (CEQA, Public Resources Code §21000 et. seq.) before a water quality certification can be issued. This may require submission of a final environmental document that satisfies the requirements of the CEQA.

We will be unable to evaluate your request for certification until the information requested by our letter dated November 12, 1998, is submitted. Per you letter we expect that this information will be submitted later this year.

We look forward to working with you on the licensing of this project. If you have any questions, or need additional information regarding this section 401 certification, you may contact me by phone at (916) 657-1971, or e-mail at rkanz@waterrights.swrcb.ca.gov.

Sincerely,

ORIGINAL SIGNED BY:

Russ J. Kanz
Environmental Specialist
Division of Water Rights

cc: See next page.

SURNAME DWR 540				
		7/29/99	7/29/99	

cc: David Boergers, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Bert E. Van Voris
Central Valley Regional Water Quality Control Board
3443 Routier Road, Suite A
Sacramento, CA 95827-3098

bcc: Jim Canaday
Sharon Stohrer

RKANZ:lvalin 7/28/99
a:\lower tule 401 request

To help focus discussions, we will distribute a Scoping Document (SD1) outlining the subject areas to be addressed in the EA to the parties on the Commission's mailing list. Copies of the SD1 also will be available at the scoping meetings.

Site Visit

The applicant and Commission staff will conduct a project site visit to the Lower Tule Project on **Tuesday, April 27, 1999.** We will meet at **9:00 AM** at the US Forest Service, Tule River Ranger District, 32588 Highway 190, Springville, California. Those who wish to attend should contact **John W. Irwin, 909-394-8715** by **Friday, April 23, 1999.**

Objectives

At the scoping meetings, the staff will: (1) summarize the environmental issues tentatively identified for analysis in the EA; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the EA, including viewpoints in opposition to, or in support of, the staff's preliminary views; (4) determine the resource issues to be addressed in the EA; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

Procedures

The meetings will be recorded by a stenographer and will become part of the formal record of the Commission proceeding on the project. Individuals presenting statements at the meetings will be asked to sign in before the meeting starts and to clearly identify themselves for the record.

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meetings and to assist the staff in defining and clarifying the issues to be addressed in the EA.

Linwood A. Watson, Jr.
Acting Secretary

KDM

U.S. OFFICIAL MAIL
PENALTY FOR PRIVATE USE $300
PB METER 7250618
$0.33
U.S. POSTAGE
WASHINGTON DC MAR 31'99

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

P-372
MS. KATHY MROWKA 111782
CALIFORNIA STATE WTR. RES. CONTROL BOAR
DIVISION OF WATER RIGHTS
P.O. BOX 2000
SACRAMENTO, CA 95812-2000

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

NOTICE OF SCOPING MEETINGS AND SITE VISIT
AND SOLICITING SCOPING COMMENTS

(March 29, 1999)

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Type of Application: Major New License

b. Project No.: 372-008

c. Date filed: June 12, 1998

d. Applicant: Southern California Edison Company

e. Name of Project: Lower Tule River Hydroelectric Project

f. Location: On the North and South Forks of the Middle Fork Tule River in Tulare County, California, partially within the boundaries of the Sequoia National Forest.

g. Filed Pursuant to: Federal Power Act 16 USC §§791(a) - 825(r).

h. Applicant Contact: Mr. Wesley Moody, Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, CA 91770, (626) 302-1564.

i. FERC Contact: Nan Allen, Nan.Allen@ferc.fed.us, 202-219-2938.

j. Deadline for filing scoping comments: May 27, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. Status of environmental analysis: This application is not ready for environmental analysis at this time.

l. Description of the Project: The existing project consists of: (1) a 15-foot-high, concrete dam; (2) a 5-foot-high, rubble masonry dam; (3) a 31,802-foot-long flow line; (4) a 2,815-foot-long steel penstock; (5) a 3.37 acre-foot forebay; (6) a powerhouse containing two turbine-generator units with a total installed capacity of 2,520 kilowatts (kW); and (7) a 2,352-foot-long tailrace.

m. Locations of the application: A copy of the application is available for inspection or reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling (202) 208-1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm (call 202-208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. Scoping Process

The Commission intends to prepare an Environmental Assessment (EA) on the project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Scoping Meetings

The Commission will hold scoping meetings, one in the daytime and one in the evening, to help us identify the scope of issues to be addressed in the EA.

The daytime scoping meeting will focus on resource agency concerns, while the evening scoping meeting is primarily for public input. All interested individuals, organizations, and agencies are invited to attend one or both of the meetings, and to assist the staff in identifying the scope of the environmental issues that should be analyzed in the EA. The times and locations of these meetings are as follows:

Daytime Meeting	Evening Meeting
Tuesday, April 27, 1999	**Tuesday, April 27, 1999**
1:00 PM	**7:00 PM**
Springville Veterans Memorial Building	**Springville Veterans Memorial Building**
35944 Highway 190	**35944 Highway 190**
Springville, California	**Springville, California**

FOM file

5778

Jcc

3007772

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Suite W-2605
Sacramento, California 95825

IN REPLY REFER TO:

December 22, 1999

Mr. Wesley C. Moody
General Manager
Southern California Edison
300 N. Lone Hill Ave
San Dimas, CA 91773

Subject: Lower Tule River Hydroelectric Project, Porterville, CA, FERC No. 372, Review of Draft Technical IFIM Report

Dear Mr. Moody:

This responds to the Southern California Edison Company (Edison) request for Fish and Wildlife Service (Service) review of your draft technical Instream Flow Incremental Methodology (IFIM) Report (Report) for the lower Tule River Project (Project). This Report was prepared in response to the Federal Energy Regulatory Commission's (FERC) September 28, 1999, Additional Information Request for this Project. We offer the following comments for your consideration. These comments are based on the Service's participation in the relicensing of this project since 1996, including study planning, analysis of data, and review of reports previously completed for this project.

General Comments

The Service has been involved with development of the aquatic resource and other studies since initiation of the First Stage Consultation. Our staff have participated in meetings and site visits to plan the scope and methodologies of the instream flow studies. We have offered advice and guidance to ensure satisfactory application of the IFIM, and to ensure that we had sufficient information to develop any recommendations, terms and conditions, or prescriptions that may be necessary for the protection and conservation of fish and wildlife resources. Although we have not always been able to reach agreement with Edison's biological staff on some of the methods, we have worked in cooperative manner and believe that substantial information has been gathered that will assist us in our biological determinations.

We have described to Edison's consultants (Entrix) the Service's goal to ensure biological diversity and environmental sustainability for the lower Tule River. We plan to employ an ecosystem approach for protection and conservation of fish and wildlife resources. This requires ensuring that function, structure, and species composition of the lower Tule River ecosystem are protected while providing for its sustainable socioeconomic use. We expect to make use of a

variety of chemical, physical and biological data to determine the measures necessary to accomplish our goal. We expect to base our instream flow recommendations on information available on a variety of ecosystem processes, functions, components, and attributes including channel maintenance, sediment transport, water temperature, water quality, wetlands, riparian habitat, hyporheic conditions, fish habitat, fish passage and nutrient transport and others. Our instream flow recommendations will be crafted to satisfy their requirements.

The results of the instream flow studies will help us address the level of flow necessary to maintain some desired level of fish habitat for species of interest and may be sufficient to address any fish passage issues. The flows necessary to maintain fish habitat do not necessarily address the other ecosystem components of interest to the Service.

Specific Comments

Page 1- 4. The last sentence states the "native fish assemblage is in good condition" in the lower segment. No evidence, such as Index of Biotic Integrity scores, is presented to support this claim. The presence of introduced species in the lower reach is evidence that the native fish assemblage is not in good condition. Refer to Miller et. al.1988, regional applications of an index of biotic integrity for use in water resource management in Fisheries13 (5):12-20.

Page 2-1. The report on page 2-1 is not clear whether the transect weighting of the PHABSIM modeling was based on the distribution of mesohabitat types in the upper segment or on the distribution of mesohabitat types in the entire bypass reach. The most appropriate choice would be to base the transect weighting on the distribution of mesohabitat types in the upper segment, since this is the segment that is being managed for trout.

Page 2-6. The report states that the location of some transects were moved. We are concerned that the moved transects might not be representative of the mesohabitat units. To allow us to evaluate this, the report needs to include a photo of each modeled mesohabitat unit showing the location of both the original and moved transect.

Page 2-7. You should identify what the surveying benchmarks were, giving the same type of description as is given for the headstakes.

Page 2-8. The report does not adequately justify why the velocity measurements were made at the middle flow for nine of the 24 transects. The report needs to specify how many transects were sampled at the middle flow for safety reasons, and how many were for logistical reasons. In addition, the logistical reasons need to be identified so that we can evaluate whether these reasons justified sampling at the middle flow. For the transects sampled at the middle flow, edge cell velocity measurements should have been made at the high flow to use in computing Manning's n values for these cells. If this data was not collected, additional field work should be performed to collect edge cell velocities. You should specify what other items were considered as cover in addition to overhead, instream boulder and rootwads.

Page 2-9. While the high target calibration flow was supposed to be 60 to 80 cfs (page 5-2), the actual high calibration flow was 52 to 53 cfs. The report should discuss why the high calibration flow was less than targeted. If a high calibration flow of 60 to 80 cfs could have been achieved by reducing diversions, the actual high calibration flow is inadequate and additional field work should be performed to collect water surface elevations at 60 to 80 cfs. Regardless of the above, flows should have been simulated up to 130 cfs (2.5 x 52), rather than only up to 100 cfs.

The report needs to identify which method (IFG4, MANSQ or WSP) was used for each transect to simulate water surface elevations. We are not aware of any potential limitations of the energy-balancing approach (we take this to mean MANSQ and WSP), as stated on page 2-9. MANSQ should work on transects where the water surface elevation is controlled by conditions at the transect (typically in riffles and runs), while WSP should work on transects where the water surface elevation is controlled by downstream conditions (typically in pools and glides). The report needs to specify the following so that we can evaluate the adequacy of the water surface elevation calibration: 1) the method used; 2) the calibration flows used; 3) parameter values used in the calibration; 4) for IFG4, the numeric values of the beta coefficient, percent mean error of flow, and percent difference in calculated versus given discharge for each calibration discharge; and 5) the numeric value for each calibration flow of the difference between the measured and simulated water surface elevation. We had previously provided Edison's consultant one of our reports showing an example of what needs to be documented for water surface elevation calibrations.

Page 2-11. The report states that the maximum roughness coefficient was 0.8. This maximum should not have been applied in circumstances where high edge-cell roughness values appeared to be reasonable estimates due to large substrate types, upstream velocity breaks or downstream controls. In these circumstances, roughness coefficients may well be greater than 0.8 even at high flows.

Page 2-12. The report should state that VAF values should rise from a value of between 0.2 and 1.0. Several transects (Lower Tule Transects 8, 9 and 12 and Upper Tule Transects 3, 4, 5, 7 and 8) had VAFs at low flows of less than 0.2. This indicates that the model exceeded its lower extrapolation limit. A second velocity set should be collected at a lower flow for these transects. The second velocity set should be used to simulate a low range of flows (up to approximately 10 to 12 cfs), while the original velocity set should be used to simulate flows greater than 10 to 12 cfs.

The report states that only 20 adult and 50 juvenile fish were observed in a 1,760-foot-reach for purposes of transferability testing. Additional sampling is needed in the remainder of the upper segment until a total of 55 observations of adult and 55 observations of juvenile fish have been made. Afterwards, the transferability tests in Thomas and Bovee (1993) (the chi-squared tests of optimum versus useable and suitable versus unsuitable habitat) should be performed. The report does not give the results of these statistical tests.

It does not appear that the adjacent velocity criteria for adult rainbow trout that we supplied were used to simulate habitat for this species/life stage. The specific criteria we supplied were 3 feet for the search distance, 0.5 feet/sec for the initial velocity and 1.5 feet/sec for the limiting velocity. The adjacent velocity criteria should be used to simulate habitat for adult rainbow trout. In addition, adjacent velocity criteria should be used to simulate habitat for juvenile rainbow trout. We are in the process of acquiring a dataset for developing such criteria and will provide them to Edison once we have completed criteria development.

Pages 4-2 and 4-3. We disagree with the conclusions reached that the existing minimum flow conditions are appropriate. Based on the relative numbers of adult and juvenile rainbow trout, we believe that, with regards to physical habitat, adult (rearing and spawning) is the limiting life stage (rather than fry or juvenile). Further, due to the uncertainties in instream flow habitat modeling, and taking the conservative position that it is better to err with too high flows rather than too low flows, we believe that the flow with the maximum WUA is the most appropriate instream flow. In this regard, it should be noted that the flow with the maximum WUA is probably biased low using the Studley/Spina cover criteria, because it lumps all cover types together. Our experience has shown that woody material (typically found on the stream margins) is preferred by trout relative to boulders. Higher cover suitability on the stream margins tends to increase the flow with the maximum WUA. Although we recognize that there is a limited amount of woody cover along the lower Tule River, the amount that is present would still result in the above bias.

One important source of uncertainty in using PHABSIM is the accuracy of its simulation of velocities, relative to two-dimensional habitat modeling. Advantages of two-dimensional habitat modeling, versus PHABSIM, include: 1) More accurately models depths and velocities over a range of flows than PHABSIM because takes into account upstream and downstream bed topography and bed roughness, and explicitly uses mechanistic processes (conservation of mass and momentum), rather than Manning's n and velocity adjustment factor; 2) Can explicitly handle complex habitats, including transverse flows, across-channel variation in water surface elevations and flow contractions/expansions; 3) Avoids problems with selecting transect locations within a mesohabitat unit, since the entire mesohabitat unit is modeled; 4) The model scale is small enough to correspond to the scale of microhabitat use data. Depths and velocities are produced on a continuous basis, rather than in discrete cells; 5) Does a better job of representing patchy microhabitat features, such as gravel patches or cover. Data can be collected with a stratified sampling scheme, with higher intensity sampling in areas with more complex or more quickly spatially varying microhabitat features, and lower intensity sampling in areas with uniformly varying bed topography and uniform substrate and cover; 6) Most of the data (bed topography and substrate/cover mapping) can be collected at a very low flow. The only data that would need to be collected at a high flow would be water surface elevations at the top and bottom of the site, the flow and some edge velocities for validation purposes. Only limited velocity data is required (only for validation purposes); and 7) Alternative habitat suitability criteria, such as measures of habitat diversity, can be used.

The report needs to provide for each transect, the average, standard deviation, and maximum of the measured velocities and of the simulated velocities at the lowest simulated flow, the velocity set flow and the highest simulated flow. In addition, the report needs to provide for each transect: 1) the average of the absolute values of the differences between the simulated and measured velocities; 2) the sum of the difference between the simulated and measured velocities; and 3) the maximum of the absolute values of the differences between the simulated and measured velocities. We had previously provided Edison's consultant one of our reports showing an example of what needs to be documented for velocity calibrations.

Appendix B. You should include a graph for each benchmark that plots the simulated water surface elevation versus flow for all of the transects with that benchmark to ensure that water is not flowing uphill for any portion of the simulated flows. The report is missing the calibration water surface elevation and velocity profiles for the Upper Tule River Transects.

If you have any questions about these comments, please contact Gary Taylor of my staff at (916) 414-6585.

Sincerely,

Patti Lennard

for Dale A. Pierce
Acting Field Supervisor

cc: ARD-KCE, FWS, Portland, OR
Dir., CDFG, Sacramento, CA
Reg. Mgr., CDFG, Reg.IV, Fresno, CA
SWRCB, Sacramento, CA
Entrix, Walnut Creek, CA
USFS, Porterville, CA
FERC, San Francisco, CA
FERC, Washington D.C.
C. Dorning, SFWO
E. Ballard, SFWO

Winston H. Hickox
Secretary for Environmental Protection

State Water Resources Control Board

Division of Water Rights
901 P Street • Sacramento, California 95814 • (916) 657-1971
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
FAX (916) 657-1485 • Web Site Address: http://www.swrcb.ca.gov

Gray Davis
Governor

507772

JUL 29 1999

Mr. David W. Kay
Southern California Edison
P.O. Box 800
Rosemead, California 91770

Dear Mr. Kay:

REQUEST FOR SECTION 401 WATER QUALITY CERTIFICATION,
LOWER TULE RIVER HYDROELECTRIC PROJECT, FERC NO. 372

We received your letter dated July 7, 1999, requesting a Clean Water Act section 401 certification for the Lower Tule River Hydroeletric Project, Federal Energy Regulatory Commission (FERC) license number 372. The letter was received by our office on July 13, 1999. The State Water Resources Control Board has one year from the date of receipt to act on your request for a certification.

Within the State of California, the SWRCB has the authority to issue section 401 certifications for hydroelectric facilities when they are obtaining a license from the FERC. The issuance of the section 401 certification by the SWRCB is a discretionary action and the SWRCB will be required to comply with the California Environmental Quality Act (CEQA, Public Resources Code §21000 et. seq.) before a water quality certification can be issued. This may require submission of a final environmental document that satisfies the requirements of the CEQA.

We will be unable to evaluate your request for certification until the information requested by our letter dated November 12, 1998, is submitted. Per you letter we expect that this information will be submitted later this year.

We look forward to working with you on the licensing of this project. If you have any questions, or need additional information regarding this section 401 certification, you may contact me by phone at (916) 657-1971, or e-mail at rkanz@waterrights.swrcb.ca.gov.

Sincerely,

ORIGINAL SIGNED BY:

Russ J. Kanz
Environmental Specialist
Division of Water Rights

cc: See next page.

cc: David Boergers, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Bert E. Van Voris
Central Valley Regional Water Quality Control Board
3443 Routier Road, Suite A
Sacramento, CA 95827-3098

bcc: Jim Canaday
Sharon Stohrer

SD 7172

SOUTHERN CALIFORNIA
EDISON
An EDISON INTERNATIONAL℠ Company

July 7, 1999

RECEIVED
JUL 13 RECD
DWR
EXECUTIVE OFFICE

Mr. Walt Pettit, Executive Director
State Water Resources Control Board
901 P Street
Sacramento, CA 95812-0100

→ Jim Canaday

Dear Mr. Pettit:

SUBJECT: REQUEST FOR SECTION 401 WATER QUALITY CERTIFICATION - LOWER TULE RIVER HYDROELECTRIC PROJECT FERC PROJECT NO. 372

By letter dated May 5, 1999, Southern California Edison Company (SCE) withdrew its previous request for Water Quality Certification for its Lower Tule River Hydroelectric Project (FERC Project No. 372). SCE hereby resubmits that request for certification.

Enclosed is a filing fee in the amount of $200.00. Our previous certification request included a copy of the FERC license application, which contained a comprehensive environmental study as Exhibit E. Those documents are therefore not included with this submittal.

By letter dated November 12, 1998, Ms. Katherine Mrowka of your staff requested additional information to facilitate your review of the original certification request for this project. Per our previous discussions, SCE will be able to provide the requested information later this year.

Please call me at (626) 302-2149 if you have any questions.

Sincerely,

David W. Kay

DAVID W. KAY, D. Env.
Senior Environmental Specialist

cc: Mr. Jim Canaday, State Water Resources Control Board
Mr. Bert E. Van Voris, Central Valley Regional Board

P. O. Box 800
2244 Walnut Grove Ave.
Rosemead, CA 91770

S7772

SOUTHERN CALIFORNIA EDISON

An EDISON INTERNATIONAL Company

ENVIRONMENTAL AFFAIRS
P. O. Box 800
2244 Walnut Grove Avenue
Rosemead, California 91770
FAX (626) 302-9730

To: Kathy Mrowka Date:

Company: SWRCB

FAX No: 916/657-1485

From: David Kay Pages: 2

Phone No: 626/302-2149

Message: Kathy,

Per our previous discussion, and my recent conversation with Russ Gragg (sp?)

- David Kay

P.S. - original to follow by mail

50 3772

SOUTHERN CALIFORNIA
EDISON
An EDISON INTERNATIONAL™ Company

May 5, 1999

Ms. Katherine Mrowka
State Water Resources Control Board
901 P Street
Sacramento, CA 95812-0100

Dear Ms. Mrowka:

SUBJECT: WITHDRAWAL OF REQUEST FOR SECTION 401 WATER QUALITY CERTIFICATION - LOWER TULE RIVER HYDROELECTRIC PROJECT FERC PROJECT NO. 372

By letter dated June 9, 1998 (attached), Southern California Edison Company (SCE) requested Water Quality Certification for its Lower Tule River Hydroelectric Project (FERC Project No. 372), pursuant to 23 CCR Article 4 and 33 USC 1341. **Effective May 26, 1999**, SCE hereby withdraws that request for certification.

Per my discussions with your staff, SCE will not be able to provide all of the information requested by your letter dated November 12, 1998 (attached) prior to expiration of the one-year time clock applicable to certification requests. We therefore intend to reapply for certification following our withdrawal of the original request. We will provide you with the information requested in your November 12, 1998 letter as it becomes available later this year.

Please call me at (626) 302-2149 if you have any questions.

Sincerely,

DAVID W. KAY, D. Env.
Senior Environmental Specialist

P. O. Box 800
2244 Walnut Grove Ave.
Rosemead, CA 91770

Peter M. Rooney
Secretary for Environmental Protection

State Water Resources Control Board

John P. Caffrey, Chairman

Division of Water Rights
901 P Street • Sacramento, California 95814• (916) 657-1951Fax (916) 657-1485
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
Web Site Address: http://www.swrcb.ca.gov

Pete Wilson
Governor

NOV 12 1998

Dr. David W. Kay
Southern California Edison
P.O. Box 800
Rosemead, CA 91770

Dear Dr. Kay:

REQUEST FOR WATER QUALITY CERTIFICATION – RELICENSING OF LOWER TULE RIVER HYDROELECTRIC PROJECT – FERC PROJECT NO. 372

By letter dated June 9, 1998, the Southern California Edison Company (SCE) filed a request for water quality certification for the new FERC license for the Lower Tule River Hydroelectric Project – FERC Project No. 372. The State Water Resources Control Board (SWRCB) received the request for certification on June 17, 1998. A one-year time clock for the SWRCB to take action on your request for water quality certification began on June 17, 1998.

The SWRCB is the State agency that acts upon requests for water quality certification under section 401 of the Clean Water Act. The SWRCB will evaluate the project as to its consistency with State water quality standards and the protection of existing beneficial uses of water. The water quality certification decision may be subject to the California Environmental Quality Act (CEQA). Before the SWRCB can act affirmatively on a request for water quality certification, a final environmental document that satisfies the requirements of the California Environmental Quality Act (CEQA) should be prepared for the project. The final environmental document must evaluate the impacts of the project on water quality and existing beneficial uses of water and identify appropriate mitigation measures to protect water quality and existing and potential beneficial uses of water.

If no new project facilities are constructed and the relicensure does not qualify as a "project" under CEQA regulations, the SWRCB may utilize the federal environmental document and licensing materials to determine the appropriate conditions for certification.

By order dated October 29, 1998, FERC informed SCE that it is requiring preparation of a site-specific IFIM study and information relative to riparian diversions in the bypass flow reach, and correlation of the water temperature records with average daily flows for the period of record. This information is also needed for certification purposes. Accordingly, the final results of these studies should be available a minimum of three months prior to preparation of a 401 Certification. This will provide an opportunity to review the study results, consult with the Regional Water Quality Control Board and others, and develop appropriate water quality mitigation terms.

The October 29 FERC order also requested SCE to provide information on whether there have been any studies to increase the capacity of the plant. A response to this issue is also needed to determine what CEQA requirements may exist. Accordingly, please provide a copy of your response to this issue to the SWRCB.

The SWRCB staff will forward a recommendation to the Executive Director of the SWRCB that the request for certification should be denied without prejudice if the materials necessary for certification are not available by April 9, 1999. The required materials include the information necessary to determine potential impacts on water quality and appropriate mitigation measures, including a final CEQA document if one is necessary.

It is advised that that you contact the SWRCB's FERC 401 Coordinator for environmental matters regarding the process and requirements for water quality certification. Mr. Jim Canaday can be contacted at (916) 657-2208. For all other matters pertaining to this certification, I can be contacted at (916) 657-1951.

Sincerely,

ORIGINAL SIGNED BY
Katherine Mrowka
401 Coordinator

cc: Ms. Carol L. Sampson
Federal Energy Regulatory Commission
888 1st Street NE
Washington, DC 20426

Mr. John Noonan
Regional Water Quality Control Board,
Tulare Lake Basin
3614 E. Ashlan Avenue
Fresno, CA 93726

bcc: MF, JCC, AHS

501772

SOUTHERN CALIFORNIA
EDISON
An EDISON INTERNATIONAL™ Company

June 9, 1998

Executive Officer
California Regional Water Quality
Control Board, Central Valley Region
3614 East Ashlan Avenue
Fresno, CA 93726

SUBJECT: REQUEST FOR WATER QUALITY CERTIFICATION –
RELICENSING OF LOWER TULE RIVER HYDROELECTRIC PROJECT,
FERC PROJECT NO. 372

Pursuant to 23 CCR Article 4, Chapter 28 and 33 USC 1341, Southern California Edison (SCE) requests Water Quality Certification under Section 401 of the Federal Water Pollution Control Act for relicensing of the existing Lower Tule River hydroelectric project. The project currently operates under Federal Energy Regulatory Commission (FERC) License No. 372.

Enclosed is a filing fee in the amount of $200.00. Also enclosed is a copy of the Application for New License submitted to FERC. A comprehensive environmental study of the project can be found in Exhibit E of the enclosed application.

Based on historical and recent water quality data, the Report on Water Use and Quality within Exhibit E concludes that all applicable Basin Plan water quality objectives are maintained within the waters affected by the Lower Tule River project and that project operation is fully protective of all beneficial uses identified in the Basin Plan. SCE therefore requests that the Regional Board issue an unconditional Water Quality Certification or waiver thereof for the project.

Please call me at (626) 302-2149 if you should have any questions regarding the subject project.

Sincerely,

David W. Kay

DR. DAVID W. KAY
Senior Environmental Specialist

Enclosures

cc (w/o encl.): Mr. Jim Canaday, State Water Resources Control Board

P. O. Box 800
2244 Walnut Grove Ave.
Rosemead, CA 91770

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Southern California Edison Company) Project No. 372-006
)

ORDER AMENDING LICENSE

(Issued December 31, 1997)

On November 28, 1997, Southern California Edison Company, licensee for the Lower Tule River Project, FERC No. 372, filed a request to amend its license to incorporate a Memorandum of Agreement (MOA). The MOA would address protection of historic resources at the project. The licensee proposes to replace a burned section of a flume with an inverted siphon. The Commission staff determined this action would have an adverse effect on the historic aspects of the project. The MOA is needed to mitigate this adverse effect. The project is located on the Tule River in Tuluare County, California.

BACKGROUND

In late September 1997, a forest fire burned approximately 600 feet of a wooden flume located in a narrow ravine above an area known as Coffee Camp. This flume is part of the Tule River Hydroelectric Project Historic District which is eligible for listing in the National Register of Historic Places. The combination flume/concrete-lined canal water conveyance system is a contributing element to the district.

PROVISIONS OF THE MOA

The MOA states the licensee will document the remainder of the flume (approximately nine miles) to Historic American Engineering Record (HAER) standards. This documentation will be prepared in consultation with the National Park Service. The documentation will be completed within 6 months of the issuance of this order, but will not preclude the licensee from completing the needed repair work on the burned section of the flume.

CONSULTATION

The licensee prepared the MOA in consultation with the California State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council). In a letter dated November 25, 1997, the Commission staff forwarded the MOA to the SHPO and Council for signature. The MOA was executed on December 5, 1997 by the Council's signature.

DISCUSSION AND CONCLUSION

The MOA includes provisions to document the entire water conveyance system at the project to HAER standards. This documentation will not only serve to mitigate the adverse effects from the fire and the replacement of a portion of the flume with the inverted siphon, but is a proactive measure to address the affects of potential future fires or other natural disasters. The Commission staff concludes the documentation is more than adequate to protect the district. The MOA should be approved and incorporated into the license.

The Director orders:

(A) The Memorandum of Agreement (MOA), filed on November 28, 1997, and executed on December 5, 1997, is approved and made part of the license.

(B) The licensee shall complete the provisions of the MOA within 6 months of the date of this order, and file with the Commission, documentation of its submission to the National Park Service within 30 days after this date.

(C) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Kevin P. Madden
Acting Director
Office of Hydropower Licensing

STATE WATER RESOURCES
CONTROL BOARD

98 JAN -6 PM 3:15

DIV. OF WATER RIGHTS
SACRAMENTO

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

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P-372 111782
MS. KATHY MROWKA
CALIFORNIA STATE WTR. RES. CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000
SACRAMENTO, CA 95812-2000

*** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ***

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATEMENT NO: S007772
OWNER OF RECORD: SOUTHERN CALIFORNIA EDISON COMPANY

SOUTHERN CALIFORNIA EDISON COMPANY
P O BOX 800
ROSEMEAD, CA 91770

97 FEB 20 PM 12:53
DIV. OF WATER RIGHTS
SACRAMENTO

SOURCE: NORTH FORK OF MIDDLE FORK TULE RIVER
TRIBUTARY TO: MIDDLE FORK TULE RIVER
COUNTY: TULARE
DIVERSION WITHIN: NW¼ OF NE¼ SECTION 26, T20S, R30E, MDB&M.

TELEPHONE NUMBER: (818) 302-8947
YEAR OF FIRST USE: 1909
PARCEL NO:

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

COMPLETE AND RETURN THIS FORM BY JULY 1, 1995.

A. Water is used under: Riparian claim _____; Pre 1914 right X; Other (explain) _____

B. Year of first use (Please provide if missing above) _____.

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☒ Acre-feet ☐ (other) _____

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC	TOTAL ANNUAL
1992	1,330	1,710	2,010	2,060	1,890	865	682	226	73	3	626	1,330	12,800
1993	2,090	1,870	2,090	2,190	2,370	2,150	1,870	1,230	568	377	1,150	1,600	19,560
1994	1,500	1,910	2,360	2,120	2,150	1,690	679	415	105	55	1,140	1,490	15,610

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.
Irrigation _____ acres; Stockwatering _____; Domestic _____
Other (specify) Hydroelectric Power Production

*** CONTINUE ON BACK PAGE ***

***** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS *****

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: MAY 12, 19 97, at ROSEMEAD, California

SIGNATURE: Brian M. McGurty

PRINTED NAME: BRIAN (FIRST NAME) MATHEW (M. NAME) MCGURTY (LAST NAME)

COMPANY NAME: SO. CALIF. EDISON CO.

Note: This same water also reported under Supplemental Statement No. 7780.

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriate right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"
"Information Pertaining to Water Rights in California"
"Water Rights for Stockponds Constructed Prior to 1969"
"Appropriation of Water in California"

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000
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STATEMENT OF WATER DIVERSION AND USE INFORMATION SHEET

Statement No. 7772

Property Owner U.S. Forest Service and Southern California Edison Co.

Facilities Owner
So. Calif. Edison Co.
Hydro Generation Division
P.O. Box 800
Rosemead, CA 91770

General Location

Point of Diversion North Fork of Middle Fork of Tule River Diversion Dam

Point of Use Tule River Powerhouse

Parcel Number(s)

		Map No.	*Parcel No.*	*Code No.*	
Point of Diversion	1.	148-54-WR	20	136 005	USFS
	2.				
	3.				
Point of Use	1.	148-54-44A	3 & 4	136 006	SCE
	2.				
	3.				
	4.				
	5.				
	6.				
	7.				
	8.				

the project power with fossil-fueled-generation.

4.3 No Action

Under the no-action alternative, the project would continue to operate under the terms and conditions of the existing license, and no new environmental protection, mitigation, or enhancement measures would be implemented. The no-action alternative is the benchmark from which we compare the proposed action and any action alternative.

4.4 Alternatives Considered But Eliminated from Detailed Study

At present, we are proposing to eliminate the following alternatives from detailed study in the EA.

4.4.1 Federal Government Takeover

We do not consider federal takeover to be a reasonable alternative. Federal takeover of the project would require congressional approval. While that fact alone would not preclude further consideration of this alternative, there is currently no evidence showing that a federal takeover should be recommended to Congress. No party has suggested that federal takeover would be appropriate and no federal agency has expressed interest in operating the project.

4.4.2 Nonpower License

A nonpower license is a temporary license that the Commission would terminate whenever it determines that another governmental agency will assume regulatory authority and supervision over the lands and facilities covered by the nonpower license. At this point, no agency has suggested a willingness or ability to do so. No party has sought a nonpower license and we have no basis for concluding that the project should no longer be used to produce power. Thus, we do not consider a nonpower license a realistic alternative to relicensing in this circumstance.

4.4.3 Project Retirement

Project retirement could be accomplished with or without removing the two project diversions. Either retirement option would involve denial of the relicense application and surrender or termination of the existing license with appropriate conditions. Project retirement would have the following effects.

- Under a project retirement alternative, the energy currently generated by the project would be lost. Historically, the project has produced about 17.9

gigawatt hours of electricity per year. Edison delivers this electrical power to serve customers in the California-Mexico Power Area.

- The project diversions, forebay, and existing recreational facilities would have to be maintained by some unknown entity if some or all of the project facilities remained. If the diversions were removed, any existing recreational benefits attributed those facilities would be lost.

- There would be significant costs involved in retiring the powerhouse, penstock, and appurtenant facilities and higher costs if any or all of the project facilities were removed.

- The environmental enhancements currently proposed by Edison would be foregone.

At this point, we are not aware of anyone recommending project retirement with or without removing the project diversions. Therefore, we do not consider project retirement a realistic alternative to relicensing the project and do not intend to study the alternative further.

5.0 SCOPE OF CUMULATIVE ANALYSIS AND RESOURCE ISSUES

5.1 Cumulative Effects

According to the Council on Environmental Quality's regulations for implementing NEPA (50 CFR §1508.7), an action may cause cumulative impacts on the environment if its impacts overlap in space and/or time with the impacts of other past, present and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time, including hydropower and other land and water development activities.

There are two other operating projects in the Tule River Basin (figure 2). Immediately upstream from the Lower Tule Project, on the Doyle Fork is the Tule Project, FERC No. 1333, operated by the Pacific Gas and Electric Company. About 8.5 miles downstream of the Lower Tule Project's powerhouse, is the Success Power Project, FERC No. 6136, owned by the Lower Tule River Irrigation District and operated by the Army Corps of Engineers. Three other projects in the basin were exempted from licensing, but no longer have exemption status and are not

operating. 4/

None of the projects in the Tule River watershed influences the other projects' operations, nor do resources have the potential to be cumulatively affected by the continued operation of Edison's project in combination with other activities in the area. Based on our preliminary review of Edison's application, limited scope of the project, lack of proposed changes in project operation, we've determined that there would be no cumulative impacts as a result of continued operation of the Lower Tule Project.

4/ They are the Sequoia Ranch Project, FERC No. 8679, owned by Sequoia Land and Power, Inc.; North Fork Tule Creek Project (a.k.a. Old Oak Ranch Water Power Project), FERC No. 6136, owned by Ordell O. and Rita A. Portwood; and Indian Hydro Plant No. I Project, FERC No. 5067, located on the Tule River Indian Reservation. None of these projects may be operated in the future without obtaining a new exemption or license from the Commission.

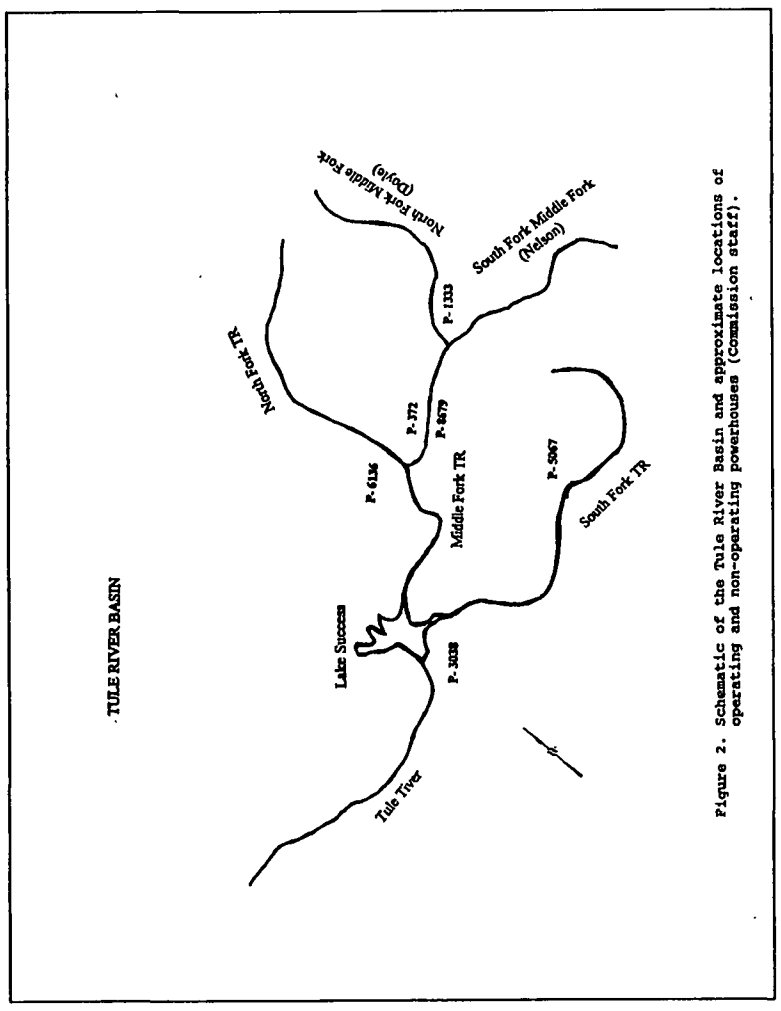

Figure 2. Schematic of the Tule River Basin and approximate locations of operating and non-operating powerhouses (Commission staff).

5.2 Project Specific Resource Issues

A preliminary list of resource issues and concerns that we have identified for analysis in the EA is presented below. In analyzing the issues, we will evaluate various measures to mitigate, protect, or enhance the resources. This list is not intended to be exhaustive or final, but is an initial listing of issues that have been raised and could be potentially significant. For convenience, the issues have been listed in categories related to technical disciplines.

5.2.1 Geology and Soils Resources

- Effects of project operation and maintenance on geology and soils resources and measures necessary to prevent erosion and sedimentation.

5.2.2 Aquatic Resources

- Effects of project flows on water temperature and water quality.
- Effects of project flows on fish habitat and fish ecology (including interactions between native and non-native, game and non-game fish assemblages).
- Effects of the proposed fish return system on fish passage.
- Effects of project operation on stream channel maintenance and stability.
- Effects of project operation on sediment transport and fish spawning.

5.2.3 Terrestrial Resources

- Effects of existing crossings and proposed escape structures across the open canal segment of the project's water conveyance system on wildlife mortality.
- Effects of the project's 11,000-foot-long, 66-kilovolt transmission line on possible bird electrocution or collision hazards.
- Effects of project flows on streambank stability, proper management of riparian vegetation, and productive timber lands adjacent to stream channels.

5.2.4 Threatened, Endangered and Forest Service Species

- Effects of project operation and maintenance on the federally listed endangered California Condor, American peregrine falcon, and threatened valley elderberry longhorn beetle, California red-legged frog, and bald eagle.
- Effects of project operation and maintenance on the following Forest Service Sensitive Species: western pond turtle, pallid bat, Townsend's big eared bat, western red bat, foothill yellow-legged frog, California legless lizard, and hardhead.
- Effects of project operation and maintenance on the federally listed threatened Springville clarkia.
- Effects of herbicide use on sensitive and listed species.

5.2.5 Cultural Resources

- Effects of project operation and maintenance on archeological and historic sites and measures necessary to comply with the National Historic Preservation Act.

5.2.6 Aesthetic Resources

- Aesthetic effects of the water conveyance system as viewed from highway 190.

5.2.7 Recreation Resources and Land Use

- Effects of project operation and maintenance on the increasing demand for recreation opportunities in the project area.
- Effects of applying herbicides for park maintenance versus possible side effects on park users.
- Effects of project operation on existing and potential angling on native and non-native species, game and non-game species.

5.2.8 Developmental Resources

- Effects of any enhancement measures identified during scoping that may have an effect on project economics.

008).

Intervenors--those on the Commission's service list for this proceeding (parties)--are reminded of the Commission's Rules of Practice and Procedure, requiring parties filing documents with the Commission to serve a copy of the document on each person whose name appears on the official service list. 3/ Further, if a party files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on the resource agency.

4.0 PROPOSED ACTION AND ALTERNATIVES

4.1 Edison's Proposed Action

Edison proposes to continue to operate and maintain the Lower Tule Project to provide electric generation capacity and energy for its customers, and to provide a number of environmental protection and enhancement measures for the non-power resources in the project area.

4.1.1 Project Features

The existing project consists of: (1) a 15-foot-high, concrete dam on the North Fork of the Middle Fork of the Tule River (Doyle Fork); (2) a 5-foot-high, rubble masonry dam on the South Fork of the Middle Fork of the Tule River (Nelson Fork); (3) a 31,802-foot-long flow line; (4) a 2,815-foot-long steel penstock; (5) a 3.37 acre-foot forebay; (6) a powerhouse containing two turbine-generator units with a total installed capacity of 2,520 kW; and (7) a 2,352-foot-long tailrace.

4.1.2 Project Operation

Edison proposes to continue to operate the project as run-of-river, with minimum flow releases from either diversion dam to the Middle Fork, as measured below the junction of the Doyle and Nelson Forks, of 4.7 cubic feet per second (cfs) from October through May, and 9.7 cfs from June through September, or inflow if less, for the protection of fish habitat.

Edison proposes no major modifications to the project facilities and operations.

4.1.3 Proposed Environmental Protection and Enhancement Measures

- Continue to maintain minimum flows in the Middle Fork, immediately below the confluence of the Doyle and Nelson Forks, of 9.7 cfs during June, July, August, and September; and 4.7 cfs from October 1 though May 31; or the natural inflow to the project, if less than the minimum flow requirement.
- Continue to operate and maintain the fish drum installed immediately downstream of the convergence of the conduits carrying water diverted from the Doyle and Nelson Forks.
- Design and install a fish return system to return fish entrained at the intake to the Tule River.
- Continue implementing Edison's Endangered Species Alert Program.
- Adopt the Forest Service guidelines for brush removal and ground disturbing activities during maintenance of vegetation in the project area.
- Maintain existing crossings across the project's 8,584-foot-long open canal to facilitate wildlife movements.
- Install three wildlife escape structures in the project's open canal and forebay to augment wildlife movement.
- Continue to implement Edison's Raptor Protection Program.
- Work with the Forest Service to develop an interpretive program to acquaint local communities and school children with operation of the hydroelectric project and associated environmental concerns.
- Improve management measures to curb vandalism and over crowding at its Upper and Lower Coffee Day Camp Use Areas.

4.2 Staff's Modification to Lower Tule's Proposed Action

The staff will consider mitigation and enhancement measures not proposed by Edison. Alternative measures could include recommendations by resource agencies, other organizations, the general public, or the staff. If any modification considered by staff would reduce power production from the proposed project, the staff will evaluate the costs and the potential increase in air-borne pollution caused by replacing

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3/ The official service list, can be obtain by calling the Office of the Secretary, Dockets Branch at (202) 208-2020.

comments and information received during the scoping process.

2.2 Scoping Meetings

In addition to written comments solicited by this Scoping Document, we're holding two scoping meetings to solicit any verbal comments and view points you may wish to offer concerning the project. A daytime meeting will be oriented for other agencies, and an evening meeting, oriented for the public. We invite your attendance at either of the meetings to help us identify the scope of issues that should be analyzed in the EA. The times and locations of the two meetings are as follows:

Day Meeting	Evening Meeting
Tuesday, April 27, 1999 **1:00 PM** **Springville Veterans Memorial Building** **35944 Highway 190** **Springville, California**	**Tuesday, April 27, 1999** **7:00 PM** **Springville Veterans Memorial Building** **35944 Highway 190** **Springville, California**

The scoping meetings will be recorded by a court reporter, and all statements (oral and written) will become part of the Commission's public record for the project. Individuals presenting statements at the meetings will be asked to clearly identify themselves for the record. Interested parties who choose not to speak or who are unable to attend either scoping meeting may provide written comments and information to the Commission as described in section 3.0 of the Scoping Document.

We're also planning a site visit to the Lower Tule Project on **Tuesday, April 27, 1999.** We will meet at **9:00 AM** at the parking lot of the US Forest Service, Tule River Ranger District, 32588 Highway 190, Springville, California. Those who wish to attend should contact **John W. Irwin, 909-394-8715** by **Friday, April 23, 1999.**

3.0 REQUEST FOR INFORMATION

We request federal, state, and local resource agencies, Indian tribes, other entities, and individuals to forward to the Commission information that they believe will assist the Commission staff in conducting an accurate and thorough analysis of the site-specific as well as cumulative effects of licensing

the Lower Tule Project. Types of information we request include, but are not limited to, the following:

- Information, quantitative data, or professional opinions that may contribute to defining the geographical and temporal scope of the analysis and identifying significant environmental issues;
- Identification of, and information from any other environmental document or similar study (previous, on-going, or planned), relevant to the proposed licensing of the Lower Tule Project;
- Existing information and any quantitative data that would help to describe the past and present actions and effects of the project and other developmental activities on environmental and socioeconomic resources;
- Information that would help characterize existing environments and habitats;
- Identification of any federal, state, or local resource plans, environmental impact statements, and future project proposals in the affected resource area, such as proposals to construct or operate water treatment facilities, recreation areas, water diversions, timber harvest activities, or fish management programs;
- Documentation that would support a conclusion whether or not the proposed project contributes to adverse or beneficial effects on resources; and
- Documentation showing why any resources should be excluded from further study or consideration.

Interested parties must file their scoping comments with the Commission no later than **60 days from the issuance date of this scoping document.** This includes any relevant copies of data, reports, or other documentation supporting positions taken. Written submissions must be sent to:

David P. Boergers, Secretary
Office of the Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426.

All written filings must clearly identify the following on the first page: **Lower Tule Hydroelectric Project (FERC No. 372-**

6.0 EA PREPARATION SCHEDULE

The preliminary schedule for preparing the EA for the Lower Tule Project is as follows:

MILESTONE	TARGET DATE
Receive Scoping Comments	May 27, 1999
Ready for Environmental Analysis Notice, requesting final terms and conditions, recommendations, comments and reply comments	Winter 1999
Draft Environmental Assessment	Spring 2000
Final Environmental Assessment	Fall 2000

7.0 DRAFT EA OUTLINE

The tentative outline for the Lower Tule Project EA is as follows:

SUMMARY

I. APPLICATION

II. PURPOSE AND NEED FOR ACTION
- A. Purpose of Action
- B. Need for Power

III. PROPOSED ACTION AND ALTERNATIVES
- A. Edison's Proposal
  - 1. Project Facilities and Operations
  - 2. Proposed Environmental Measures
  - 3. Mandatory Requirements
    - a. Section 18 Fishway Prescriptions
    - b. Water Quality Certificate Conditions
- B. Staff's Modification of Edison's Proposal
- C. No-Action Alternative
- D. Alternatives Considered but Eliminated from Detailed Study

IV. CONSULTATION AND COMPLIANCE
- A. Agency Consultation
- B. Interventions
- C. Scoping
- D. Water Quality Certification

V. ENVIRONMENTAL ANALYSIS
- A. General Description of the Project Site and Tule River Basin
- B. Proposed Action and Other Recommended Environmental Measures
  - 1. Geology and Soils Resources
  - 2. Aquatic Resources
  - 3. Terrestrial Resources
  - 4. Threatened and Endangered Species
  - 5. Cultural Resources
  - 6. Aesthetic Resources
  - 7. Recreation Resources
  - 8. Developmental Resources
- C. No-Action Alternative

VI. DEVELOPMENTAL ANALYSIS
- A. Power and Economic Benefits of the Project
- B. Cost of Environmental Enhancement Measures
- C. No-Action Alternative

VII. COMPREHENSIVE DEVELOPMENT AND RECOMMENDED ALTERNATIVE

VIII. CONSISTENCY WITH COMPREHENSIVE PLANS

IX. RECOMMENDATIONS OF FISH AND WILDLIFE AGENCIES

X. FINDING OF [or NO] SIGNIFICANT IMPACT

XI. LITERATURE CITED

XII. LIST OF PREPARERS

8.0 DISTRIBUTION LIST

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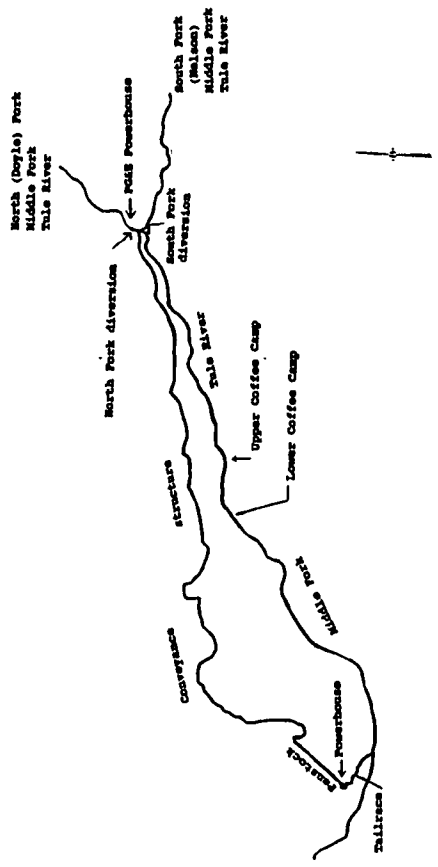

Figure 1. Project Location and Facilities for the Lower Tule Hydroelectric Project, FERC No. 372 (Edison application as modified by Commission staff).

The Commission will use the EA to decide whether to issue a new license for the Lower Tule Project, and if so, with what conditions should be included in the license. The Forest Service intends to use the EA as a guide in prescribing mandatory conditions for any license the Commission issues for the project that involves land of the Sequoia National Forest, pursuant to section 4(e) of the FPA.

2.0 SCOPING

Scoping is the process used to identify issues, concerns, and opportunities associated with a proposed action. According to NEPA and the Council Of Environmental Quality, this process should be conducted early in the planning stage of the project.

2.1 Purposes of Scoping

The purposes of this scoping document are as follows.

- Invite participation of federal, state, and local resource agencies, Indian tribes, and individuals to identify significant environmental and socioeconomic issues related to the proposed action.
- Determine the depth of analysis and significance of issues to be addressed in the EA.
- Identify how the project would or would not contribute to cumulative impacts to the project area.
- Identify reasonable alternatives to the project that we should evaluate.
- Eliminate from detailed study the issues and resources that don't require detailed analysis during review of the project.

Following the scoping meetings and comment period, all issues raised will be reviewed and decisions made as to the level of analysis needed. If preliminary analysis indicates that any issues presented in this scoping document have little potential for causing significant impacts, the issue or issues will be identified and the reasons for not providing a more detailed analysis will be given in the EA.

The staff will revise this document as necessary to reflect comments received during the comment period and then issue Scoping Document 2. In the event no substantial comments are received and no revisions to Scoping Document 1 are necessary, we'll so notify participants by letter. The EA will address

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SCOPING DOCUMENT 1

Lower Tule Project
FERC No. 372-008

1.0 INTRODUCTION

On June 12, 1998, the Southern California Edison Company (Edison) filed an application with the Federal Energy Regulatory Commission (Commission) to relicense the existing 2,520-kilowatt (kW) Lower Tule Hydroelectric Project (project). The project is located on the Middle Fork of the Tule River in Tulare County, California (figure 1). The project occupies about 190 acres of land within the Sequoia National Forest, administered by the U.S. Forest Service (Forest Service).

The project's original license expires on June 14, 2000. The Commission, under the authority of the Federal Power Act (FPA), 1/ may issue a new license for up to 50 years. If a new license is not issued by the time the original license expires, the project will operate under annual licenses per the terms and conditions of the original license. The Forest Service recommends that any new license for the project contain an expiration date that coincides with the expiration of the Pacific Gas and Electric's Tule River Project, FERC No. 1333, so that the Lower Tule and Tule River Projects could be evaluated at the same time in a watershed-wide analysis.

Under the Commission's regulations, issuing a new license for the project first requires preparation of either an Environmental Assessment (EA) or Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 2/. The Commission, as lead agency, and U.S. Forest Service (Forest Service), as cooperating agency, will prepare a joint EA to decide whether issuing a license would be a major federal action significantly affecting the quality of the human environment. The EA will describe and evaluate the site-specific and cumulative effects of Edison's proposed action in its new license application, and other alternatives.

1/ U.S.C. Sect. 791(a)-825(r).

2/ Pub. L. 91-190. 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, §4(b), Sept. 13, 1982.

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FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

DATE: March 24, 1999

MEMORANDUM TO: The Agency/Party Addressed

SUBJECT: Scoping of environmental issues for a new license application for the existing Lower Tule Project (FERC No. 372-008)--California

The Federal Energy Regulatory Commission (Commission) is reviewing the application for a new license for the continued operation and maintenance of the 2,520-kilowatt Lower Tule Project No. 372-008 (project). The hydroelectric project is located on the Tule River in Tulare County, California, partially within the Sequoia National Forest.

Under the National Environmental Policy Act of 1969 and the Commission's regulations, issuing a hydropower license for the project would be an action that requires the Commission to prepare either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The Commission will be preparing an EA for the project.

To ensure that all pertinent issues are identified and analyzed in the EA, the staff is soliciting written comments from appropriate federal, state, and local resource agencies, Indian tribes, and other interested persons through a scoping process. The purpose of the scoping process is to identify significant issues related to the licensing of the project, including issues relating to whether the proposed project would contribute to cumulative impacts in the project area.

The attached Scoping Document includes a brief description of the proposed action, a list of preliminary environmental issues identified by the staff, potential alternatives, and a preliminary schedule for preparation of the EA.

Details on providing written comments appear in the scoping document. You may direct any questions or concerns to Nan Allen, Environmental Coordinator, at the Federal Energy Regulatory Commission, Office of Hydropower Licensing, 888 First Street, NE, Washington, DC 20426, (202) 219-2938.

Attachment: Scoping Document
Mailing List

SCOPING DOCUMENT 1

LOWER TULE PROJECT

FERC Project No. 372-008

Federal Energy Regulatory Commission
Office of Hydropower Licensing
888 First Street, NE
Washington, D.C. 20426

S7772

LIST OF FIGURES

SCOPING DOCUMENT 2

Lower Tule Project
FERC No. 372-008

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The Commission will use the EA to decide whether to issue a new license for the project, and if so, what conditions should be included in the license. The Forest Service intends to use the EA as a guide in prescribing mandatory conditions for any license

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[1] U.C. Sect. 791(a)-825(r).

[2] Pub. L. 91-190. 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, §4(b), Sept. 13, 1982.

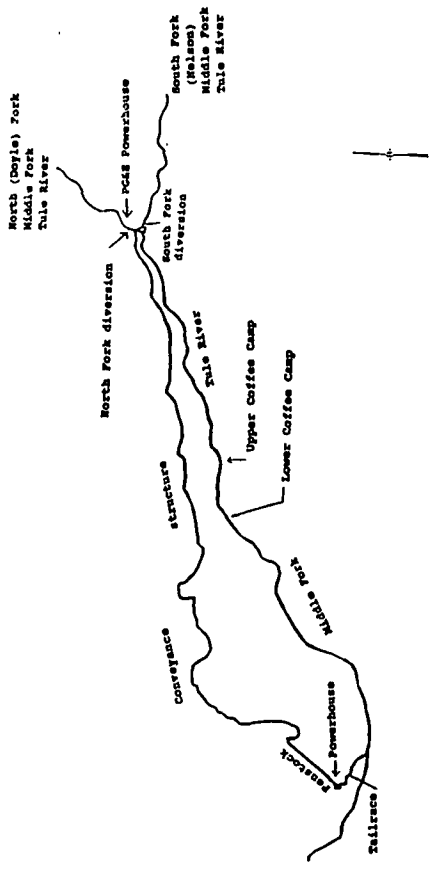

Figure 1. Project Location and Facilities for the Lower Tule Hydroelectric Project, FERC No. 372 (Edison application as modified by Commission staff).

the Commission issues for the project that involves land of the Sequoia National Forest, pursuant to section 4(e) of the FPA.

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- Identify how the project would or would not contribute to cumulative impacts to the project area.
- Identify reasonable alternatives to the project that we should evaluate.
- Eliminate from detailed study the issues and resources that don't require detailed analysis during review of the project.

We issued Scoping Document 1 (SD1) on March 24, 1999,[3] to enable resource agencies, Indian tribes, and other interested parties to more effectively participate in and contribute to the scoping process. SD1 requested clarification of preliminary issues concerning the Lower Tule Project and the identification of new issues that need to be addressed in the EA. We revised SD1 after reviewing oral testimony recorded during the scoping meetings and written comments filed during the scoping comment

[3] *Copies of SD1 were mailed to all entities listed in Section 8. A notice of scoping meetings and site visit and soliciting scoping comments was published in the Federal Register on April 2, 1999 (volume 64, no. 63, pp. 15968-60).*

4.2.3 Terrestrial Resources

- Effects of existing crossings and proposed escape structures across the open canal segment of the project's water conveyance system on wildlife mortality.
- Effects of the project's 11,000-foot-long, 66-kilovolt transmission line on possible bird electrocution or collision hazards.
- Effects of project flows on streambank stability, proper management of riparian vegetation, and lands adjacent to stream channels.

4.2.4 Threatened, Endangered and Forest Service Sensitive Species

- Effects of project operation and maintenance on the federally listed endangered California Condor, American peregrine falcon, and threatened Valley elderberry longhorn beetle, California red-legged frog, and bald eagle.
- Effects of project operation and maintenance on the following Forest Service Sensitive Species: western pond turtle, pallid bat, Townsend's big eared bat, western red bat, foothill yellow-legged frog, and California legless lizard.
- Effects of project operation and maintenance on the federally listed threatened Springville clarkia.

4.2.5 Cultural Resources

- Effects of project operation and maintenance on archeological and historic sites and measures necessary to comply with the National Historic Preservation Act.

4.2.6 Recreation Resources and Land Use

- Effects of ***environmental education regarding operation and maintenance of project for recreational users.***
- Effects of project operation on existing and potential angling on native and non-native fish species.

- ***Effects of the project on maintaining access for angling at the "Stairs."***
- ***Effects of project operation on whitewater boating during high-water years.***

4.2.7 Developmental Resources

- Effects of any enhancement measures identified during scoping that may have an effect on project economics.
- *Use of energy conservation measures to make up for any loss of project generation because of environmental protections and enhancements.*

5.0 EA PREPARATION SCHEDULE

The preliminary schedule for preparing the EA for the Lower Tule Project is as follows:

MILESTONE	TARGET DATE
Receive Scoping Comments	May 27, 1999
Ready for Environmental Analysis Notice, requesting final terms and conditions, recommendations, comments and reply comments	Winter 1999
Draft Environmental Assessment	Spring 2000
Final Environmental Assessment	Fall 2000

6.0 DRAFT EA OUTLINE

The tentative outline for the Lower Tule Project EA is as follows:

SUMMARY

I. APPLICATION

II. PURPOSE AND NEED FOR ACTION

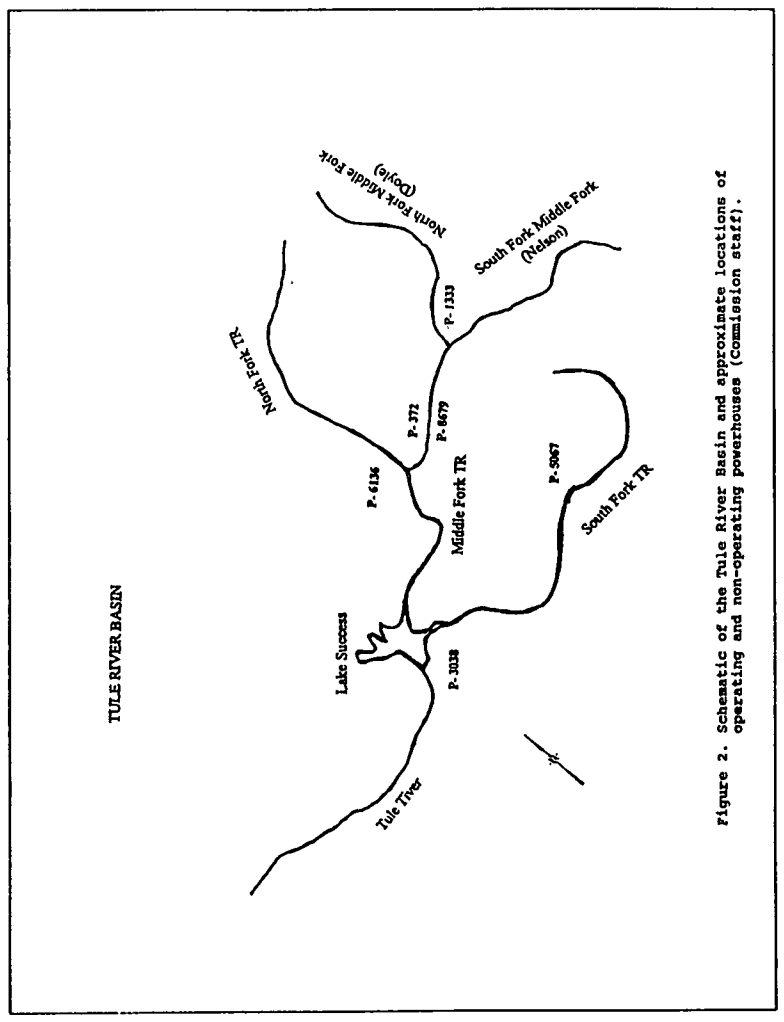

Figure 2. Schematic of the Tule River Basin and approximate locations of operating and non-operating powerhouses (Commission staff).

raised and could be significant. For convenience, the issues have been listed in categories related to technical disciplines.

In SD 1, we identified as issues the effects of herbicide application on the Forest Service Sensitive and federally-listed species, and recreation users. We deleted these issues because Edison testified during the scoping meetings that it does not use herbicides anywhere in the project area and has no intentions of doing so. We also deleted an aesthetic resource issue of the effects of the water conveyance system as viewed from Highway 190. Entrix, Edison's consultant, testified that the project has been in existence since 1909, prior to the designation in the 1970's of Highway 190 as a scenic highway; and is itself the greatest cultural resource feature of the project area. We eliminated hardhead minnow from the list of Forest Service Sensitive Species. Entrix and the Forest Service testified that, while hardhead would be expected to be found in the Tule River Basin, it has not been observed or collected during surveys associated with the project and does not appear on historical records for the project area.

We combined two issues in the Aquatic Resources section (the effects of project operation on stream stability and sediment transport) into one issue on the effects of project operation on sediment transport, because they were redundant.

4.2.1 Geology and Soils Resources

- Effects of project operation and maintenance on geology and soils resources and measures necessary to prevent erosion and sedimentation.

4.2.2 Aquatic Resources

- Effects of project flows on water temperature and water quality.
- Effects of project flows on fish habitat and fish ecology (including interactions between native and non-native fish assemblages).
- Effects of the proposed fish return system on fish passage.
- Effects of project operation on *sediment transport*.
- *Flow continuation during project shutdowns to the Springville Public Utility District water supply.*

period. Scoping Document 2 (SD2) presents our current view of issues and alternatives to be considered in the EA. Additions are in italicized, bold type.

2.2 Scoping Comments

The following entity filed written comments on SD1:

Entity	*Date of Letter*
Lower Tule River Irrigation District	*April 30, 1999*

All comments received are part of the Commission's official record for the project. Copies of the official record are available through the Records and Information Management System (RIMS) in the Public Reference Room. Copies can also be obtained by writing or faxing (202-208-2320) your request to the Public Reference Room at the following address:

Federal Energy Regulatory Commission
Public Reference & Files Maintenance Branch
888 First Street, NE, Room 2-A
Washington, DC 20426
Attention: Mr. William G. McDermott, Chief

The project record may also be viewed at:

www.ferc.fed.us\online\rims.htm

After careful consideration of all scoping input. Our responses to comments and any respective changes in the scoping document are shown as bold and italic type. Key concerns raised by participants in the scoping process are summarized below.

The Lower Tule River Irrigation District requests a correction to SD1 of the project number for the Success Power Project. The correct project number is FERC No. 3038, and this correction has been made in Section 4.1 of SD2.

During the scoping meetings, individuals from the public raised the following concerns:

1. The relicensing process could affect the ditch diversions from the Tule River in and below the project reach of the river that are used to maintain ponds for wildlife, wetlands, and agricultural irrigation;

2. Any change in Edison's current practice of providing diverted flows to the Springville Public Utility District (District) during project shut downs would result in the District having to obtain water downstream from the day use areas; and

3. There may be some interest in whitewater boating in the project reach during high water years.

A representative of the Lower Tule River Irrigation District testified that the project operation as proposed by Edison, with no changes to the existing operations, would not impact the district's interests.

Representatives of the Forest Service testified that recreational use of the project reach has changed during Edison's current license term from angling to predominantly day use, and there is a need for environmental education to help protect resources. Edison clarified that two of its proposals target environmental education through a video and curriculum program and an interpretative kiosk display. A third Edison proposal, would provide funding for trash pickup and maintenance of the "Stairs" recreational access area. Edison's proposed measures in Section 3.1.3 have been revised accordingly.

A representative from the US Environmental Protection Agency requested that we consider energy conservation in addition to the cost of replacement energy in our EA.

3.0 PROPOSED ACTION AND ALTERNATIVES

3.1 Edison's Proposed Action

Edison proposes to continue to operate and maintain the Lower Tule Project to provide electric generation capacity and energy for its customers, and to provide a number of environmental protection and enhancement measures for the non-power resources in the project area.

3.1.1 Project Features

The existing project consists of: (1) a 15-foot-high, concrete dam on the North Fork of the Middle Fork of the Tule River (Doyle Fork); (2) a 5-foot-high, rubble masonry dam on the South Fork of the Middle Fork of the Tule River (Nelson Fork); (3) a 31,802-foot-long flow line; (4) a 2,815-foot-long steel penstock; (5) a 3.37 acre-foot

forebay; (6) a powerhouse containing two turbine-generator units with a total installed capacity of 2,520 kW; and (7) a 2,352-foot-long tailrace.

3.1.2 Project Operation

Edison proposes to continue to operate the project as run-of-river, with minimum flow releases from either diversion dam to the Middle Fork, as measured below the junction of the Doyle and Nelson Forks, of 4.7 cubic feet per second (cfs) from October through May, and 9.7 cfs from June through September, or inflow if less, for the protection of fish habitat.

Edison proposes no major modifications to the project facilities and operations.

3.1.3 Proposed Environmental Protection and Enhancement Measures

- Continue to maintain minimum flows in the Middle Fork, immediately below the confluence of the Doyle and Nelson Forks, of 9.7 cfs during June, July, August, and September; and 4.7 cfs from October 1 though May 31; or the natural inflow to the project, if less than the minimum flow requirement.
- Continue to operate and maintain the fish drum installed immediately downstream of the convergence of the conduits carrying water diverted from the Doyle and Nelson Forks.
- Design and install a fish return system to return fish entrained at the intake to the Tule River.
- Continue implementing Edison's Endangered Species Alert Program, *and expand the program by training operations personnel on the Forest Service Sensitive Species*.
- Adopt the Forest Service guidelines for brush removal and ground disturbing activities during maintenance of vegetation in the project area.
- Maintain existing crossings across the project's 8,584-foot-long open canal to facilitate wildlife movements.
- Install three wildlife escape structures in the project's open canal and forebay to augment wildlife movement.

suggested that federal takeover would be appropriate and no federal agency has expressed interest in operating the project.

3.4.2 Nonpower License

A nonpower license is a temporary license that the Commission would terminate whenever it determines that another governmental agency will assume regulatory authority and supervision over the lands and facilities covered by the nonpower license. At this point, no agency has suggested a willingness or ability to do so. No party has sought a nonpower license and we have no basis for concluding that the project should no longer be used to produce power. Thus, we do not consider a nonpower license a realistic alternative to relicensing in this circumstance.

3.4.3 Project Retirement

Project retirement could be accomplished with or without removing the two project diversions. Either retirement option would involve denial of the relicense application and surrender or termination of the existing license with appropriate conditions. Project retirement would have the following effects.

- Under a project retirement alternative, the energy currently generated by the project would be lost. Historically, the project has produced about 17.9 gigawatt hours of electricity per year. Edison delivers this electrical power to serve customers in the California-Mexico Power Area.
- The project diversions, forebay, and existing recreational facilities would have to be maintained by some unknown entity if some or all of the project facilities remained. If the diversions were removed, any existing recreational benefits attributed those facilities would be lost.
- There would be significant costs involved in retiring the powerhouse, penstock, and appurtenant facilities and higher costs if any or all of the project facilities were removed.
- The environmental enhancements currently proposed by Edison would be foregone.

At this point, we are not aware of anyone recommending project retirement with or without removing the project diversions. Therefore, we do not consider project retirement a realistic alternative to relicensing the project and do not intend to study the alternative

- Continue to implement Edison's Raptor Protection Program.
- *Work with the Forest Service to develop a video and curriculum to acquaint local communities and school children with the operation of the hydroelectric project and associated environmental resources.*
- *Work with the Forest Service to develop a river interpretive display at the Tule River Ranger District Office.*
- *Provide $1,000 per year for trash pickup and maintenance at the "Stairs" access.*

3.2 Staff's Modification to Lower Tule's Proposed Action

The staff will consider mitigation and enhancement measures not proposed by Edison. Alternative measures could include recommendations by resource agencies, other organizations, the general public, or the staff. If any modification considered by staff would reduce power production from the proposed project, the staff will evaluate the costs and the potential increase in air-borne pollution caused by replacing the project power with fossil-fueled-generation.

3.3 No Action

Under the no-action alternative, the project would continue to operate under the terms and conditions of the existing license, and no new environmental protection, mitigation, or enhancement measures would be implemented. The no-action alternative is the benchmark from which we compare the proposed action and any action alternative.

3.4 Alternatives Considered But Eliminated from Detailed Study

At present, we are proposing to eliminate the following alternatives from detailed study in the EA.

3.4.1 Federal Government Takeover

We do not consider federal takeover to be a reasonable alternative. Federal takeover of the project would require congressional approval. While that fact alone would not preclude further consideration of this alternative, there is currently no evidence showing that a federal takeover should be recommended to Congress. No party has

further.

4.0 SCOPE OF CUMULATIVE ANALYSIS AND RESOURCE ISSUES

4.1 Cumulative Effects

According to the Council on Environmental Quality's regulations for implementing NEPA (50 CFR §1508.7), an action may cause cumulative impacts on the environment if its impacts overlap in space and/or time with the impacts of other past, present and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time, including hydropower and other land and water development activities.

There are two other operating projects in the Tule River Basin (figure 2). Immediately upstream from the Lower Tule Project, on the Doyle Fork is the Tule Project, FERC No. 1333, operated by the Pacific Gas and Electric Company. About 8.5 miles downstream of the Lower Tule Project's powerhouse, is the Success Power Project, FERC No. *3038*, owned by the Lower Tule River Irrigation District and operated by the Army Corps of Engineers. Three other projects in the basin were exempted from licensing, but no longer have exemption status and are not operating. [4]

None of the projects in the Tule River watershed influences the other projects' operations, nor do resources have the potential to be cumulatively affected by the continued operation of Edison's project in combination with other activities in the area. Based on our review of Edison's application, limited scope of the project, lack of proposed changes in project operation, we determined that there would be no cumulative impacts as a result of continued operation of the Lower Tule Project.

4.2 Project Specific Resource Issues

A list of resource issues and concerns that we have identified for analysis in the EA is presented below. In analyzing the issues, we will evaluate various measures to mitigate, protect, or enhance the resources. This list is a listing of issues that have been

[4] They are the Sequoia Ranch Project, FERC No. 8679, owned by Sequoia Land and Power, Inc.; North Fork Tule Creek Project (a.k.a. Old Oak Ranch Water Power Project), FERC No. 6136, owned by Ordell O. and Rita A. Portwood; and Indian Hydro Plant No. I Project, FERC No. 5067, located on the Tule River Indian Reservation. None of these projects may be operated in the future without obtaining a new exemption or license from the Commission.

SCOPING DOCUMENT 2

LOWER TULE PROJECT
FERC Project No. 372-008

Federal Energy Regulatory Commission
Office of Hydropower Licensing
888 First Street, NE
Washington, D.C. 20426

FERC # 372

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FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

DATE: AUG 6 1999

MEMORANDUM TO: The Agency/Party Addressed

SUBJECT: Scoping Document 2 for the existing Lower Tule Project (FERC No. 372-008)--California

The Federal Energy Regulatory Commission (Commission) is reviewing the application for a new license for the continued operation and maintenance of the 2,520-kilowatt Lower Tule Hydroelectric Project No. 372-008 (project). The project is located on the Tule River in Tulare County, California, partially within the Sequoia National Forest.

Under the National Environmental Policy Act of 1969 and the Commission's regulations, issuing a hydropower license for the project would be an action that requires the Commission to prepare either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The Commission will be preparing an EA for the project.

Scoping Document 2 for the project EA is enclosed. We revised Scoping Document 1, dated March 24, 1999, based on written comments and testimony provided during the scoping meetings. Key changes to Scoping Document 1 are identified in italicized, bold type.

Prior to scoping, we identified a need for additional information, and by letter dated October 29, 1998, requested the Southern California Edison Company to submit additional information regarding fisheries habitat, riparian diversions, wildlife crossings of the project's flume, bird collisions with the transmission lines, and surveys for certain wildlife species. Once this information is obtained, we will prepare a draft EA based on the outline and issues in Scoping Document 2. We expect to issue the draft EA in summer of 2000.

You may direct questions to Nan Allen, Environmental Coordinator, at the Federal Energy Regulatory Commission, Office of Hydropower Licensing, 888 First Street, NE, Washington, DC 20426, (202) 219-2938.

Enclosure: Scoping Document 2

cc: Mailing List
Service List
Public Files

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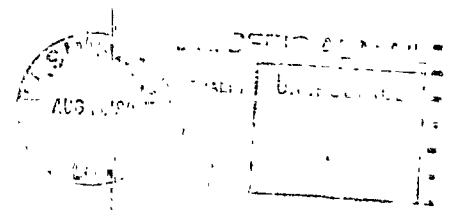

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JIM CANADAY ENVIR. SPEC.
CALIFORNIA STATE WTR. RES. CONTROL BOA
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the project power with fossil-fueled-generation.

4.3 No Action

Under the no-action alternative, the project would continue to operate under the terms and conditions of the existing license, and no new environmental protection, mitigation, or enhancement measures would be implemented. The no-action alternative is the benchmark from which we compare the proposed action and any action alternative.

4.4 Alternatives Considered But Eliminated from Detailed Study

At present, we are proposing to eliminate the following alternatives from detailed study in the EA.

4.4.1 Federal Government Takeover

We do not consider federal takeover to be a reasonable alternative. Federal takeover of the project would require congressional approval. While that fact alone would not preclude further consideration of this alternative, there is currently no evidence showing that a federal takeover should be recommended to Congress. No party has suggested that federal takeover would be appropriate and no federal agency has expressed interest in operating the project.

4.4.2 Nonpower License

A nonpower license is a temporary license that the Commission would terminate whenever it determines that another governmental agency will assume regulatory authority and supervision over the lands and facilities covered by the nonpower license. At this point, no agency has suggested a willingness or ability to do so. No party has sought a nonpower license and we have no basis for concluding that the project should no longer be used to produce power. Thus, we do not consider a nonpower license a realistic alternative to relicensing in this circumstance.

4.4.3 Project Retirement

Project retirement could be accomplished with or without removing the two project diversions. Either retirement option would involve denial of the relicense application and surrender or termination of the existing license with appropriate conditions. Project retirement would have the following effects.

- Under a project retirement alternative, the energy currently generated by the project would be lost. Historically, the project has produced about 17.9

gigawatt hours of electricity per year. Edison delivers this electrical power to serve customers in the California-Mexico Power Area.

- The project diversions, forebay, and existing recreational facilities would have to be maintained by some unknown entity if some or all of the project facilities remained. If the diversions were removed, any existing recreational benefits attributed those facilities would be lost.

- There would be significant costs involved in retiring the powerhouse, penstock, and appurtenant facilities and higher costs if any or all of the project facilities were removed.

- The environmental enhancements currently proposed by Edison would be foregone.

At this point, we are not aware of anyone recommending project retirement with or without removing the project diversions. Therefore, we do not consider project retirement a realistic alternative to relicensing the project and do not intend to study the alternative further.

5.0 SCOPE OF CUMULATIVE ANALYSIS AND RESOURCE ISSUES

5.1 Cumulative Effects

According to the Council on Environmental Quality's regulations for implementing NEPA (50 CFR §1508.7), an action may cause cumulative impacts on the environment if its impacts overlap in space and/or time with the impacts of other past, present and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time, including hydropower and other land and water development activities.

There are two other operating projects in the Tule River Basin (figure 2). Immediately upstream from the Lower Tule Project, on the Doyle Fork is the Tule Project, FERC No. 1333, operated by the Pacific Gas and Electric Company. About 8.5 miles downstream of the Lower Tule Project's powerhouse, is the Success Power Project, FERC No. 6136, owned by the Lower Tule River Irrigation District and operated by the Army Corps of Engineers. Three other projects in the basin were exempted from licensing, but no longer have exemption status and are not

operating. 4/

None of the projects in the Tule River watershed influences the other projects' operations, nor do resources have the potential to be cumulatively affected by the continued operation of Edison's project in combination with other activities in the area. Based on our preliminary review of Edison's application, limited scope of the project, lack of proposed changes in project operation, we've determined that there would be no cumulative impacts as a result of continued operation of the Lower Tule Project.

4/ They are the Sequoia Ranch Project, FERC No. 8679, owned by Sequoia Land and Power, Inc.; North Fork Tule Creek Project (a.k.a. Old Oak Ranch Water Power Project), FERC No. 6136, owned by Ordell O. and Rita A. Portwood; and Indian Hydro Plant No. I Project, FERC No. 5067, located on the Tule River Indian Reservation. None of these projects may be operated in the future without obtaining a new exemption or license from the Commission.

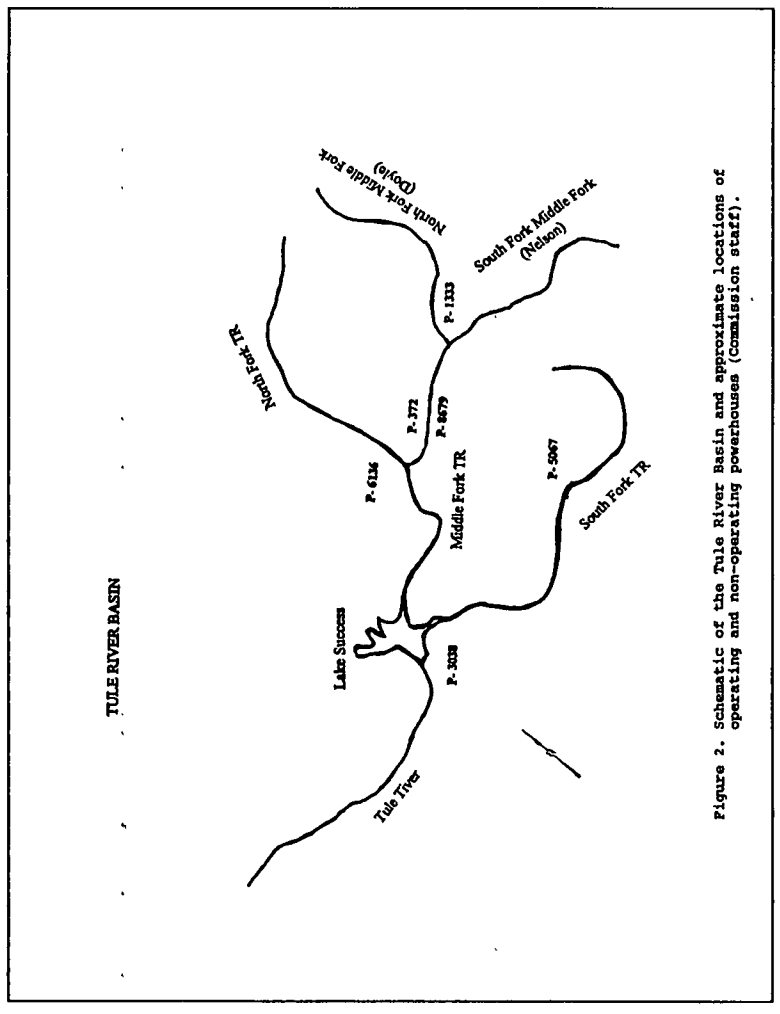

Figure 2. Schematic of the Tule River Basin and approximate locations of operating and non-operating powerhouses (Commission staff).

5.2 Project Specific Resource Issues

A preliminary list of resource issues and concerns that we have identified for analysis in the EA is presented below. In analyzing the issues, we will evaluate various measures to mitigate, protect, or enhance the resources. This list is not intended to be exhaustive or final, but is an initial listing of issues that have been raised and could be potentially significant. For convenience, the issues have been listed in categories related to technical disciplines.

5.2.1 Geology and Soils Resources

- Effects of project operation and maintenance on geology and soils resources and measures necessary to prevent erosion and sedimentation.

5.2.2 Aquatic Resources

- Effects of project flows on water temperature and water quality.
- Effects of project flows on fish habitat and fish ecology (including interactions between native and non-native, game and non-game fish assemblages).
- Effects of the proposed fish return system on fish passage.
- Effects of project operation on stream channel maintenance and stability.
- Effects of project operation on sediment transport and fish spawning.

5.2.3 Terrestrial Resources

- Effects of existing crossings and proposed escape structures across the open canal segment of the project's water conveyance system on wildlife mortality.
- Effects of the project's 11,000-foot-long, 66-kilovolt transmission line on possible bird electrocution or collision hazards.
- Effects of project flows on streambank stability, proper management of riparian vegetation, and productive timber lands adjacent to stream channels.

5.2.4 Threatened, Endangered and Forest Service Species

- Effects of project operation and maintenance on the federally listed endangered California Condor, American peregrine falcon, and threatened Valley elderberry longhorn beetle, California red-legged frog, and bald eagle.
- Effects of project operation and maintenance on the following Forest Service Sensitive Species: western pond turtle, pallid bat, Townsend's big eared bat, western red bat, foothill yellow-legged frog, California legless lizard, and hardhead.
- Effects of project operation and maintenance on the federally listed threatened Springville clarkia.
- Effects of herbicide use on sensitive and listed species.

5.2.5 Cultural Resources

- Effects of project operation and maintenance on archeological and historic sites and measures necessary to comply with the National Historic Preservation Act.

5.2.6 Aesthetic Resources

- Aesthetic effects of the water conveyance system as viewed from highway 190.

5.2.7 Recreation Resources and Land Use

- Effects of project operation and maintenance on the increasing demand for recreation opportunities in the project area.
- Effects of applying herbicides for park maintenance versus possible side effects on park users.
- Effects of project operation on existing and potential angling on native and non-native species, game and non-game species.

5.2.8 Developmental Resources

- Effects of any enhancement measures identified during scoping that may have an effect on project economics.

008).

Intervenors--those on the Commission's service list for this proceeding (parties)--are reminded of the Commission's Rules of Practice and Procedure, requiring parties filing documents with the Commission to serve a copy of the document on each person whose name appears on the official service list. 3/ Further, if a party files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on the resource agency.

4.0 PROPOSED ACTION AND ALTERNATIVES

4.1 Edison's Proposed Action

Edison proposes to continue to operate and maintain the Lower Tule Project to provide electric generation capacity and energy for its customers, and to provide a number of environmental protection and enhancement measures for the non-power resources in the project area.

4.1.1 Project Features

The existing project consists of: (1) a 15-foot-high, concrete dam on the North Fork of the Middle Fork of the Tule River (Doyle Fork); (2) a 5-foot-high, rubble masonry dam on the South Fork of the Middle Fork of the Tule River (Nelson Fork); (3) a 31,802-foot-long flow line; (4) a 2,815-foot-long steel penstock; (5) a 3.37 acre-foot forebay; (6) a powerhouse containing two turbine-generator units with a total installed capacity of 2,520 kW; and (7) a 2,352-foot-long tailrace.

4.1.2 Project Operation

Edison proposes to continue to operate the project as run-of-river, with minimum flow releases from either diversion dam to the Middle Fork, as measured below the junction of the Doyle and Nelson Forks, of 4.7 cubic feet per second (cfs) from October through May, and 9.7 cfs from June through September, or inflow if less, for the protection of fish habitat.

Edison proposes no major modifications to the project facilities and operations.

4.1.3 Proposed Environmental Protection and Enhancement Measures

3/ The official service list, can be obtain by calling the Office of the Secretary, Dockets Branch at (202) 208-2020.

- Continue to maintain minimum flows in the Middle Fork, immediately below the confluence of the Doyle and Nelson Forks, of 9.7 cfs during June, July, August, and September; and 4.7 cfs from October 1 though May 31; or the natural inflow to the project, if less than the minimum flow requirement.
- Continue to operate and maintain the fish drum installed immediately downstream of the convergence of the conduits carrying water diverted from the Doyle and Nelson Forks.
- Design and install a fish return system to return fish entrained at the intake to the Tule River.
- Continue implementing Edison's Endangered Species Alert Program.
- Adopt the Forest Service guidelines for brush removal and ground disturbing activities during maintenance of vegetation in the project area.
- Maintain existing crossings across the project's 8,584-foot-long open canal to facilitate wildlife movements.
- Install three wildlife escape structures in the project's open canal and forebay to augment wildlife movement.
- Continue to implement Edison's Raptor Protection Program.
- Work with the Forest Service to develop an interpretive program to acquaint local communities and school children with operation of the hydroelectric project and associated environmental concerns.
- Improve management measures to curb vandalism and over crowding at its Upper and Lower Coffee Day Camp Use Areas.

4.2 Staff's Modification to Lower Tule's Proposed Action

The staff will consider mitigation and enhancement measures not proposed by Edison. Alternative measures could include recommendations by resource agencies, other organizations, the general public, or the staff. If any modification considered by staff would reduce power production from the proposed project, the staff will evaluate the costs and the potential increase in air-borne pollution caused by replacing

comments and information received during the scoping process.

2.2 Scoping Meetings

In addition to written comments solicited by this Scoping Document, we're holding two scoping meetings to solicit any verbal comments and view points you may wish to offer concerning the project. A daytime meeting will be oriented for other agencies, and an evening meeting, oriented for the public. We invite your attendance at either of the meetings to help us identify the scope of issues that should be analyzed in the EA. The times and locations of the two meetings are as follows:

Day Meeting	**Evening Meeting**
Tuesday, April 27, 1999 **1:00 PM** **Springville Veterans Memorial Building** **35944 Highway 190** **Springville, California**	**Tuesday, April 27, 1999** **7:00 PM** **Springville Veterans Memorial Building** **35944 Highway 190** **Springville, California**

The scoping meetings will be recorded by a court reporter, and all statements (oral and written) will become part of the Commission's public record for the project. Individuals presenting statements at the meetings will be asked to clearly identify themselves for the record. Interested parties who choose not to speak or who are unable to attend either scoping meeting may provide written comments and information to the Commission as described in section 3.0 of the Scoping Document.

We're also planning a site visit to the Lower Tule Project on **Tuesday, April 27, 1999.** We will meet at **9:00 AM** at the parking lot of the US Forest Service, Tule River Ranger District, 32588 Highway 190, Springville, California. Those who wish to attend should contact **John W. Irwin, 909-394-8715** by **Friday, April 23, 1999.**

3.0 REQUEST FOR INFORMATION

We request federal, state, and local resource agencies, Indian tribes, other entities, and individuals to forward to the Commission information that they believe will assist the Commission staff in conducting an accurate and thorough analysis of the site-specific as well as cumulative effects of licensing

the Lower Tule Project. Types of information we request include, but are not limited to, the following:

- Information, quantitative data, or professional opinions that may contribute to defining the geographical and temporal scope of the analysis and identifying significant environmental issues;
- Identification of, and information from any other environmental document or similar study (previous, on-going, or planned), relevant to the proposed licensing of the Lower Tule Project;
- Existing information and any quantitative data that would help to describe the past and present actions and effects of the project and other developmental activities on environmental and socioeconomic resources;
- Information that would help characterize existing environments and habitats;
- Identification of any federal, state, or local resource plans, environmental impact statements, and future project proposals in the affected resource area, such as proposals to construct or operate water treatment facilities, recreation areas, water diversions, timber harvest activities, or fish management programs;
- Documentation that would support a conclusion whether or not the proposed project contributes to adverse or beneficial effects on resources; and
- Documentation showing why any resources should be excluded from further study or consideration.

Interested parties must file their scoping comments with the Commission no later than **60 days from the issuance date of this scoping document.** This includes any relevant copies of data, reports, or other documentation supporting positions taken. Written submissions must be sent to:

David P. Boergers, Secretary
Office of the Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426.

All written filings must clearly identify the following on the first page: **Lower Tule Hydroelectric Project (FERC No. 372-**

6.0 EA PREPARATION SCHEDULE

The preliminary schedule for preparing the EA for the Lower Tule Project is as follows:

MILESTONE	TARGET DATE
Receive Scoping Comments	May 27, 1999
Ready for Environmental Analysis Notice, requesting final terms and conditions, recommendations, comments and reply comments	Winter 1999
Draft Environmental Assessment	Spring 2000
Final Environmental Assessment	Fall 2000

7.0 DRAFT EA OUTLINE

The tentative outline for the Lower Tule Project EA is as follows:

SUMMARY

I. APPLICATION

II. PURPOSE AND NEED FOR ACTION
- A. Purpose of Action
- B. Need for Power

III. PROPOSED ACTION AND ALTERNATIVES
- A. Edison's Proposal
  - 1. Project Facilities and Operations
  - 2. Proposed Environmental Measures
  - 3. Mandatory Requirements
    - a. Section 18 Fishway Prescriptions
    - b. Water Quality Certificate Conditions
- B. Staff's Modification of Edison's Proposal
- C. No-Action Alternative
- D. Alternatives Considered but Eliminated from Detailed Study

IV. CONSULTATION AND COMPLIANCE
- A. Agency Consultation
- B. Interventions
- C. Scoping
- D. Water Quality Certification

V. ENVIRONMENTAL ANALYSIS
- A. General Description of the Project Site and Tule River Basin
- B. Proposed Action and Other Recommended Environmental Measures
  - 1. Geology and Soils Resources
  - 2. Aquatic Resources
  - 3. Terrestrial Resources
  - 4. Threatened and Endangered Species
  - 5. Cultural Resources
  - 6. Aesthetic Resources
  - 7. Recreation Resources
  - 8. Developmental Resources
- C. No-Action Alternative

VI. DEVELOPMENTAL ANALYSIS
- A. Power and Economic Benefits of the Project
- B. Cost of Environmental Enhancement Measures
- C. No-Action Alternative

VII. COMPREHENSIVE DEVELOPMENT AND RECOMMENDED ALTERNATIVE

VIII. CONSISTENCY WITH COMPREHENSIVE PLANS

IX. RECOMMENDATIONS OF FISH AND WILDLIFE AGENCIES

X. FINDING OF [or NO] SIGNIFICANT IMPACT

XI. LITERATURE CITED

XII. LIST OF PREPARERS

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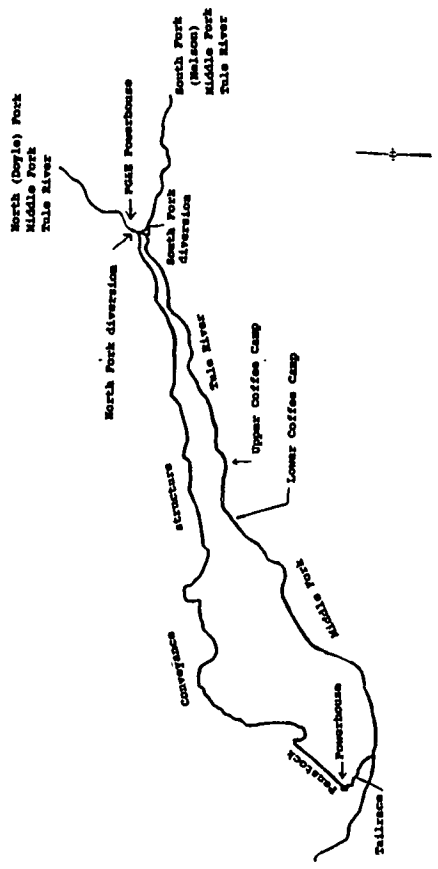

Figure 1. Project Location and Facilities for the Lower Tule Hydroelectric Project, FERC No. 372 (Edison application as modified by Commission staff).

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The Commission will use the EA to decide whether to issue a new license for the Lower Tule Project, and if so, with what conditions should be included in the license. The Forest Service intends to use the EA as a guide in prescribing mandatory conditions for any license the Commission issues for the project that involves land of the Sequoia National Forest, pursuant to section 4(e) of the FPA.

2.0 SCOPING

Scoping is the process used to identify issues, concerns, and opportunities associated with a proposed action. According to NEPA and the Council Of Environmental Quality, this process should be conducted early in the planning stage of the project.

2.1 Purposes of Scoping

The purposes of this scoping document are as follows.

- Invite participation of federal, state, and local resource agencies, Indian tribes, and individuals to identify significant environmental and socioeconomic issues related to the proposed action.
- Determine the depth of analysis and significance of issues to be addressed in the EA.
- Identify how the project would or would not contribute to cumulative impacts to the project area.
- Identify reasonable alternatives to the project that we should evaluate.
- Eliminate from detailed study the issues and resources that don't require detailed analysis during review of the project.

Following the scoping meetings and comment period, all issues raised will be reviewed and decisions made as to the level of analysis needed. If preliminary analysis indicates that any issues presented in this scoping document have little potential for causing significant impacts, the issue or issues will be identified and the reasons for not providing a more detailed analysis will be given in the EA.

The staff will revise this document as necessary to reflect comments received during the comment period and then issue Scoping Document 2. In the event no substantial comments are received and no revisions to Scoping Document 1 are necessary, we'll so notify participants by letter. The EA will address

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LIST OF FIGURES

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SCOPING DOCUMENT 1

Lower Tule Project
FERC No. 372-008

1.0 INTRODUCTION

On June 12, 1998, the Southern California Edison Company (Edison) filed an application with the Federal Energy Regulatory Commission (Commission) to relicense the existing 2,520-kilowatt (kW) Lower Tule Hydroelectric Project (project). The project is located on the Middle Fork of the Tule River in Tulare County, California (figure 1), The project occupies about 190 acres of land within the Sequoia National Forest, administered by the U.S. Forest Service (Forest Service).

The project's original license expires on June 14, 2000. The Commission, under the authority of the Federal Power Act (FPA), 1/ may issue a new license for up to 50 years. If a new license is not issued by the time the original license expires, the project will operate under annual licenses per the terms and conditions of the original license. The Forest Service recommends that any new license for the project contain an expiration date that coincides with the expiration of the Pacific Gas and Electric's Tule River Project, FERC No. 1333, so that the Lower Tule and Tule River Projects could be evaluated at the same time in a watershed-wide analysis.

Under the Commission's regulations, issuing a new license for the project first requires preparation of either an Environmental Assessment (EA) or Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 2/. The Commission, as lead agency, and U.S. Forest Service (Forest Service), as cooperating agency, will prepare a joint EA to decide whether issuing a license would be a major federal action significantly affecting the quality of the human environment. The EA will describe and evaluate the site-specific and cumulative effects of Edison's proposed action in its new license application, and other alternatives.

1/ U.S.C. Sect. 791(a)-825(r).

2/ Pub. L. 91-190. 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, §4(b), Sept. 13, 1982.

Water Rights S007772 S007780 S07772

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

DATE: March 24, 1999

MEMORANDUM TO: The Agency/Party Addressed

SUBJECT: Scoping of environmental issues for a new license application for the existing Lower Tule Project (FERC No. 372-008)--California

The Federal Energy Regulatory Commission (Commission) is reviewing the application for a new license for the continued operation and maintenance of the 2,520-kilowatt Lower Tule Project No. 372-008 (project). The hydroelectric project is located on the Tule River in Tulare County, California, partially within the Sequoia National Forest.

Under the National Environmental Policy Act of 1969 and the Commission's regulations, issuing a hydropower license for the project would be an action that requires the Commission to prepare either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The Commission will be preparing an EA for the project.

To ensure that all pertinent issues are identified and analyzed in the EA, the staff is soliciting written comments from appropriate federal, state, and local resource agencies, Indian tribes, and other interested persons through a scoping process. The purpose of the scoping process is to identify significant issues related to the licensing of the project, including issues relating to whether the proposed project would contribute to cumulative impacts in the project area.

The attached Scoping Document includes a brief description of the proposed action, a list of preliminary environmental issues identified by the staff, potential alternatives, and a preliminary schedule for preparation of the EA.

Details on providing written comments appear in the scoping document. You may direct any questions or concerns to Nan Allen, Environmental Coordinator, at the Federal Energy Regulatory Commission, Office of Hydropower Licensing, 888 First Street, NE, Washington, DC 20426, (202) 219-2938.

Attachment: Scoping Document
Mailing List

~~266.0~~ Lower Tule Proj

SCOPING DOCUMENT 1

LOWER TULE PROJECT

FERC Project No. 372-008

Federal Energy Regulatory Commission
Office of Hydropower Licensing
888 First Street, NE
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STATE WATER RESOURCES
CONTROL BOARD

99 MAR 29 AM 11:03

DIV. OF WATER RIGHTS
SACRAMENTO

FEDERAL ENERGY REGULATORY COMMISSION

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The Commission's policy is that cooperating agencies may not also be intervenors in a proceeding because it would be inconsistent with the Commission's ex-parte rules. This prohibition applies even if a cooperating agency terminates its cooperating agency status.

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Project Coordinator	District Ranger
Federal Energy Regulatory Commission	U.S. Forest Service Tule River Ranger District
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FAX: (202) 219-2152	FAX: To be provided
nan.allen@ferc.fed.us	e-mail: To be provided

Termination of LOU

Either agency may terminate its involvement in this agreement with 30 days written notice to the other agency.

We appreciate the interagency cooperation and coordination of the Forest Service in accomplishing mutual interests for the Lower Tule River Project, and look forward to working with you and members of your staff.

Sincerely,

Carol L. Sampson
Director
Office of Hydropower Licensing

I concur with this LOU:

Judi Kaiser, District Ranger **Date**

Enclosures

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Enclosure 1

Reply To: 2770

Date: SEP 18 1991

Mr. Dean L. Shumway
Director, Division of Project Review
Office of Hydropower Licensing
Federal Energy Regulatory Commission
825 North Capitol Street, N.E.
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Dear Mr. Shumway:

This letter follows up on our June 26, 1991, meeting to discuss issues related to the joint Forest Service/Federal Energy Regulatory Commission (FERC) National Environmental Policy Act (NEPA) review process. We appreciated the opportunity to meet and discuss the various concerns that have been raised while our Agencies have jointly prepared several environmental assessments (EA). Many of these issues have come from the Rocky Mountain Region (Region 2) where FERC and the Arapaho-Roosevelt National Forest have been working on a joint EA for the Blue Hill Project. Below is a summary of the meeting, including the list of attendees, issues raised, agreements, and proposed follow-up action.

LIST OF ATTENDEES

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Tom Camp, Environmental Protection Specialist, FS Coordinator, FERC
Gordon Small, Director, Lands, Forest Service
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Stuart Shelton, OGC, USDA
Suzanne Brown, FERC Coordinator, Forest Service
Mikel Shilling, Environmental Coordination, Forest Service
Sue Ballenski, FERC Coordinator, Region 2, Forest Service
Kim Berns, Lands Forester, Arapaho-Roosevelt National Forest
Phil Mattsen, Regional Environmental Coordinator, Region 6, Forest Service

SUMMARY

We identified and addressed issues related to the joint NEPA process. These included (1) lead agency determination, (2) determination of the need for an environmental impact statement (EIS), (3) the scoping process, (4) the number

and type of alternatives to be analyzed, (5) the amount of information needed to complete an EA or EIS, and (6) implications of FERC's recent 10(j) rulemaking. We also discussed follow-up activities to allow for easier coordination between FERC and the Forest Service. Each issue is addressed below with its agreed-to solution.

Lead Agency Determination

Up to now, it has not been clear which agency would take the lead in conducting a joint EA or EIS. It was agreed that FERC would be the lead agency since it makes the final licensing determination. If FERC issues a license, then the Forest Service will issue a special use authorization (except in special cases where there would be an unacceptable impact on Forest resources if the Forest Service issued an authorization for the project).

Determination of the Need for an EIS

There has been concern about how to proceed if our agencies disagree over the need for an EIS during the joint NEPA process. We understand that FERC normally prepares an EA to determine whether an EIS is needed. The Forest Service's NEPA regulations also allow for an EA to be prepared to determine the need for an EIS. Further, the Forest Service can prepare, as FERC often does, mitigative EAs (EAs that conclude an environmental impact statement is not needed since project impacts would be mitigated to insignificance). Therefore, we agree that unless both agencies decide up front that an EIS is needed, we would jointly prepare an EA to determine whether an EIS is needed. Hopefully, the joint information gathering and environmental analysis process would enable both agencies to come to the same conclusion in an EA regarding the need for an EIS.

Scoping

It was unclear as to what agency would conduct scoping sessions. It was agreed that either agency could conduct these meetings or the meetings could be held jointly. This would be decided on a case by case basis. FERC's new 10(j) rulemaking and relicensing regulations provide for public meetings early in the pre-application consultation process for hydropower licenses. We agree that such meetings could satisfy the scoping requirement; however, as new issues arise, the Forest Service and/or FERC may need to conduct additional scoping sessions later in the process. The type of scoping (e.g., meetings, phone calls, public notices, letters, and so forth) will vary with the extent of the project and the issues raised.

Number and Type of Alternatives Analyzed

In preparing an EA, the Forest Service usually examines a broad range of alternatives before making a decision on a proposed action. We understand that FERC normally looks at three alternatives: (1) the proposed action, (2) no action, and (3) the proposed action with mitigation. Since, in the case of hydropower licensing, the Forest Service is not initiating the proposed action,

it appears that our NEPA regulations allow us to narrow the focus of the NEPA review to the three alternatives FERC normally analyzes. Further, FERC's required preapplication consultation process allows the Forest Service to examine various alternatives with the applicant before an application for license is filed with FERC.

As the lead agency for a joint EA, FERC would decide the range of alternatives to be analyzed. We therefore agree that when preparing a joint EA, we would analyze only the three alternatives identified above. We agree that if other project alternatives are identified during the consultation phase but not adopted (e.g., alternative designs, site locations), then the Forest Service and FERC may need to address those alternatives in the joint EA, as appropriate, and explain why these alternatives were not considered further. Alternatives would not be an issue in a joint EIS, since both agencies agree that a wider range of alternatives need to be analyzed when preparing an EIS.

Amount of Information Needed to Complete an EA/EIS

There have been instances where the Forest Service and FERC disagreed on the amount of information needed before a NEPA document could be completed. While this remains a concern for older projects where licensing decisions are still pending, the consultation process identified in the 10(j) rulemaking and relicensing regulations should eliminate this problem in the future for new projects. To avoid delays from requesting additional information late in the review process, we agree to notify the applicant early in the consultation process of necessary information and studies. Also, the Forest Service will bring to FERC's attention early in the consultation process any disagreements over the type of information needed from the applicant.

In those cases where there are still information needs on a pending license application, we agree to only ask for this information if it is necessary to (1) determine impacts and appropriate mitigation; and (2) determine project consistency with the Forest Plan or interference with the purposes of the federal reservation. For new applications, possible inconsistencies will be brought to the applicant's and FERC's attention early in the process. If the Forest Service cannot obtain adequate information, 4(e) conditions would be written to meet Forest Plan standards and guidelines.

Implications of the 10(j) Rulemaking

We were concerned about implications of the new 10(j) rulemaking's requirement for the Forest Service to provide comments and 4(e) conditions within 60 days from the date that FERC announces it is ready to conduct an EA or EIS for a project. Although the Forest Service will make every effort to be timely in preparing 4(e) reports, there may be some instances where 4(e) reports cannot be provided within the 60-day time frame. While extensions of time can be granted, we were unclear about what reasons would justify an extension of time. We understand that extensions of time will need to be justified on a case by case basis; but it was agreed that staff duties required during fire season is a justifiable reason to delay filing of 4(e) conditions. It was als

agreed that if we are short-staffed and cannot provide timely comments or 4(e) conditions, then the we should provide a schedule for filing the final conditions. Final 4(e) conditions normally would be provided within 45 days from the date the joint EA/EIS and our Decision Notice is completed. It was agreed that if the Forest Service cannot provide 4(e) conditions on time and FERC does not grant an extension of time, the 4(e) conditions would be considered as recommendations only; however, these recommendations would still have to be addressed by FERC.

One of the primary reasons for delays in providing 4(e) reports is the lack of funding for resources necessary to conduct the hydropower review process. While collection agreements with applicants have helped expedite processing in some cases, these agreements are strictly voluntary and can only be used when an applicant is willing to enter into such an agreement. A projection of new applications for license or relicense would be helpful for budget planning purposes so that we can effectively carry out our review of hydropower project applications.

FOLLOW-UP

FERC and the Forest Service plan to conduct joint NEPA training sessions to better acquaint the Forest Service field with the FERC process, the Forest Service NEPA regulations as they apply to FERC projects, and the joint EA/EIS procedures. The Forest Service's proposed revised hydropower handbook will reflect our agencies' agreements relating to the joint NEPA process.

FERC agreed to provide a list of anticipated applications for license and relicense so that we can determine the amount of funding needed to administer our hydropower program. We would like the list to cover the next 5 years.

It was suggested at the meeting that the Forest Service 4(e) decision might be able to be incorporated into the FERC license, so that it is appealable through FERC and therefore ultimately through the Court of Appeals. In effect, the Forest Service could eliminate its appeals process for 4(e) decisions. This would save time since FERC would not have to wait 45 days or longer for the 4(e) decision to clear the Forest Service appeals process. Our Office of General Counsel is further exploring this option.

We believe the June 26, 1991, meeting was productive and we appreciate the open discussion. I welcome any expansion or clarification of any of the issues described above. Should you wish to formally concur with the contents of this memorandum, a concurrence line is provided below. Please call me at (202) 205-1248 if you have any questions or comments. We look forward to working with you in the future.

Sincerely,

GORDON E. SMALL
Director of Lands

Concur: _____ 11/6/91
Dean L. Shumway, Director, Division of Project Review Date

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D C 20426

OFFICE OF HYDROPOWER LICENSING

Project No. 372-008-California
Lower Tule River Hydroelectric Project
Southern California Edison Company

FEB 11 1999

Judi Kaiser, District Ranger
U.S. Forest Service - Sequoia National Forest
Tule River Ranger District
32588 Highway 190
Springville, CA 93265

Dear Ms. Kaiser:

This letter of understanding (LOU) documents the procedures that the U.S. Forest Service (Forest Service) and the Federal Energy Regulatory Commission (Commission) will use to prepare scoping documents and draft and final environmental assessments (EA) for the proposed relicensing of the Lower Tule River Hydroelectric Project. The project would be operated and maintained by the applicant, Southern California Edison Company, and would partially be on land administered by the Sequoia National Forest near Springville.

This LOU incorporates the cooperating agency procedures contained in the letter dated September 18, 1991, signed by Gordon Small and Dean Shumway (Enclosure 1).

Purpose of the EA

The National Environmental Policy Act (NEPA), requires the Commission to prepare either an EA or Environmental Impact Statement (EIS). An EA will be prepared to determine whether or not the project will result in a significant effect on the environment. The EA will also be used by the Forest Service to base its finding under section 4(e) of the Federal Power Act and to decide whether to issue any Special Use Permit(s).

Responsibilities

The Commission will act as the lead agency and the Forest Service will participate as a cooperating agency during preparation of scoping documents and draft and final EAs. The Forest Service will assist in preparing those sections that are unique to its regulations and policies.

The Forest Service will also provide technical expertise, review draft documents prepared by the Commission staff, and comment within the review period established in Enclosure 2. The Forest Service will promptly inform the Commission of any needs to revise the schedule presented in Enclosure 2. The

Forest Service will promptly inform the Commission of any needs to revise the schedule presented in Enclosure 2. The interdisciplinary team members for the Commission are listed in Enclosure 3. The Forest Service team members should be entered on Enclosure 3, and a copy forwarded to the Commission with the LOU concurrence statement.

Correspondence

The Commission will distribute (within 5 working days) to the Forest Service all letters sent to the applicant by the Commission during the proceeding, all comments received during the comment periods, and all other formal correspondence by the Commission that relates to the project. In order to facilitate timely preparation, review, and exchange of information, the Commission and Forest Service will use overnight delivery mail services, facsimile machines, or E-mail messages.

The Forest Service's comments on the scoping documents, and draft and final EAs will be entered in writing in the margins of the documents, or summarized in a memorandum. Comments will be sent to the Commission's Project Coordinator at the addresses provided below. Editorial corrections, format, and spelling errors need not be shown on every page. Rather, generic corrections (e.g. the same word misspelled throughout the document) will be corrected once it is noted in the margin or memorandum.

The Forest Service's Project Coordinator will consolidate their comments into one complete and official document before providing them to the Commission's Coordinator.

Formal comments on the draft EA and Section 4(e) conditions must be filed with David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426.

Communication

The cooperating agencies will attempt to coordinate and exchange information informally during the scoping, information request, and environmental assessment processes. The Commission and Forest Service are free to communicate with each other on any issue related to the project licensing of the Lower Tule River Project. All communications between the two agencies, written and verbal, however, must be kept confidential. In addition, both staffs will refrain from communicating with persons, groups, or other agencies who are interested in the project regarding the content of preliminary documents.

The Commission's policy is that cooperating agencies may not also be intervenors in a proceeding because it would be

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Enclosure 2

Target Timelines

ACTIVITY	CALENDAR DAYS FROM START	TARGET DATE	RESPONSI-
1. Provide SD1 to FS for review	0	1/28/99	Comm
2. Receive applicant's response to items 2-5, 8, and 12-20 of AIR issued 10/29/98	29	2/26/99	Comm
3. Provide draft SD1 comments and input to Comm	30	2/27/99	FS
4. Issue SD1 to all parties	50	3/19/99	Comm
4. Determine adequacy of applicant's response to items 2-5, 8, and 12-20 of AIR	59	3/28/99	Comm
5. Scoping meetings	82	4/20-22/99	Comm and FS
6. End of public scoping comment period	112	5/22/99	Comm
7. Provide to FS any scoping comments received, draft SD2 or letter as needed 1/, and draft request for additional information from applicant if needed based on scoping input	157	7/06/99	Comm
8. Provide any comments on draft SD2 or letter, and draft request for additional information to Comm	187	8/05/99	FS
9. Issue SD2 or letter to all parties, and AIR to applicant, if needed	217	9/04/99	Comm
10. Receive applicant's responses to items 1, 6, 7, 9, 10, and 11 of AIR issued 10/29/98	289	11/15/99	Comm
11. Determine adequacy of applicant's response to AIR items filed 11/15/99	319	12/15/99	Comm
12. Issue Ready-for-Environmental Analysis (REA) Notice 2/	333	12/30/99	Comm
13. Provide comment letters from REA Notice to FS	408	3/14/00	Comm
14. Provide draft Environmental Assessment (EA) to FS for comment	468	5/15/00	Comm
15. Provide comments on draft EA to Comm	498	6/12/00	FS
16. Issue draft EA	512	6/26/00	Comm
17. Provide comments on draft EA to FS	557	8/10/00	Comm
18. Provide draft Final EA (FEA) to FS for comment	587	9/09/00	Comm
19. Provide comments on FEA to Comm	617	10/09/00	FS
20. Issue FEA	647	11/08/00	Comm
23. Issue 4(e) Conditions	707	12/23/00	FS
24. Issue final action	797	1/22/01	Comm

1/ SD2 will show any changes to SD1 that may have resulted from the scoping process. If there are no substantial changes to SD1, no SD2 will be issued. Minor changes to SD1 will be handled through a letter to all concerned parties.

2/ The REA Public Notice states that all information has been received on the project to enable us to start the environmental analysis. The notice allows 60 days for filing comments and agency terms and conditions with the Commission.

Enclosure 3

Interdiscipinary Team Members

The following Interdisciplinary Team Members are assigned to the Lower Tule River Hydroelectric Project, Ferc No. 372-008:

	Commission	Forest Service 1/
Project Coordinator:	Nan Allen	_____
Engineering:	Charlene Scott	_____
Geology and Soils:	Gaylord Hoisington	_____
Aquatic Resources:	Nan Allen	_____
Cultural Resources:	Gaylord Hoisington	_____
Vegetation and Wildlife:	Carl Keller	_____
T/E Species:	Carl Keller	_____
Visual Resources:	John Blair	_____
Recreation:	John Blair	_____
Land Uses:	John Blair	_____

1/ Please complete with the names of the FS interdisciplinary team and forward a copy to the Commission.

FEDERAL ENERGY REGULATORY COMMISSION

ROUTING CODE _____

WASHINGTON, D.C. 20426

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DIV. OF WATER RIGHTS
SACRAMENTO

P-372 117996
ROSS SWENERTON DIRECTOR
CALIFORNIA WATER RESOURCES CONTROL BOAI
ENVIRONMENTAL UNIT
P.O.BOX 2000
SACRAMENTO, CA 95810-2000

and type of alternatives to be analyzed, (5) the amount of information needed to complete an EA or EIS, and (6) implications of FERC's recent 10(j) rulemaking. We also discussed follow-up activities to allow for easier coordination between FERC and the Forest Service. Each issue is addressed below with its agreed-to solution.

Lead Agency Determination

Up to now, it has not been clear which agency would take the lead in conducting a joint EA or EIS. It was agreed that FERC would be the lead agency since it makes the final licensing determination. If FERC issues a license, then the Forest Service will issue a special use authorization (except in special cases where there would be an unacceptable impact on Forest resources if the Forest Service issued an authorization for the project).

Determination of the Need for an EIS

There has been concern about how to proceed if our agencies disagree over the need for an EIS during the joint NEPA process. We understand that FERC normally prepares an EA to determine whether an EIS is needed. The Forest Service's NEPA regulations also allow for an EA to be prepared to determine the need for an EIS. Further, the Forest Service can prepare, as FERC often does, mitigative EAs (EAs that conclude an environmental impact statement is not needed since project impacts would be mitigated to insignificance). Therefore, we agree that unless both agencies decide up front that an EIS is needed, we would jointly prepare an EA to determine whether an EIS is needed. Hopefully, the joint information gathering and environmental analysis process would enable both agencies to come to the same conclusion in an EA regarding the need for an EIS.

Scoping

It was unclear as to what agency would conduct scoping sessions. It was agreed that either agency could conduct these meetings or the meetings could be held jointly. This would be decided on a case by case basis. FERC's new 10(j) rulemaking and relicensing regulations provide for public meetings early in the pre-application consultation process for hydropower licenses. We agree that such meetings could satisfy the scoping requirement; however, as new issues arise, the Forest Service and/or FERC may need to conduct additional scoping sessions later in the process. The type of scoping (e.g., meetings, phone calls, public notices, letters, and so forth) will vary with the extent of the project and the issues raised.

Number and Type of Alternatives Analyzed

In preparing an EA, the Forest Service usually examines a broad range of alternatives before making a decision on a proposed action. We understand that FERC normally looks at three alternatives: (1) the proposed action, (2) no action, and (3) the proposed action with mitigation. Since, in the case of hydropower licensing, the Forest Service is not initiating the proposed action,

it appears that our NEPA regulations allow us to narrow the focus of the NEPA review to the three alternatives FERC normally analyzes. Further, FERC's required preapplication consultation process allows the Forest Service to examine various alternatives with the applicant before an application for license is filed with FERC.

As the lead agency for a joint EA, FERC would decide the range of alternatives to be analyzed. We therefore agree that when preparing a joint EA, we would analyze only the three alternatives identified above. We agree that if other project alternatives are identified during the consultation phase but not adopted (e.g., alternative designs, site locations), then the Forest Service and FERC may need to address those alternatives in the joint EA, as appropriate, and explain why these alternatives were not considered further. Alternatives would not be an issue in a joint EIS, since both agencies agree that a wider range of alternatives need to be analyzed when preparing an EIS.

Amount of Information Needed to Complete an EA/EIS

There have been instances where the Forest Service and FERC disagreed on the amount of information needed before a NEPA document could be completed. While this remains a concern for older projects where licensing decisions are still pending, the consultation process identified in the 10(j) rulemaking and relicensing regulations should eliminate this problem in the future for new projects. To avoid delays from requesting additional information late in the review process, we agree to notify the applicant early in the consultation process of necessary information and studies. Also, the Forest Service will bring to FERC's attention early in the consultation process any disagreements over the type of information needed from the applicant.

In those cases where there are still information needs on a pending license application, we agree to only ask for this information if it is necessary to (1) determine impacts and appropriate mitigation; and (2) determine project consistency with the Forest Plan or interference with the purposes of the federal reservation. For new applications, possible inconsistencies will be brought to the applicant's and FERC's attention early in the process. If the Forest Service cannot obtain adequate information, 4(e) conditions would be written to meet Forest Plan standards and guidelines.

Implications of the 10(j) Rulemaking

We were concerned about implications of the new 10(j) rulemaking's requirement for the Forest Service to provide comments and 4(e) conditions within 60 days from the date that FERC announces it is ready to conduct an EA or EIS for a project. Although the Forest Service will make every effort to be timely in preparing 4(e) reports, there may be some instances where 4(e) reports cannot be provided within the 60-day time frame. While extensions of time can be granted, we were unclear about what reasons would justify an extension of time. We understand that extensions of time will need to be justified on a case by case basis; but it was agreed that staff duties required during fire season is a justifiable reason to delay filing of 4(e) conditions. It was als

agreed that if we are short-staffed and cannot provide timely comments or 4(e) conditions, then the we should provide a schedule for filing the final conditions. Final 4(e) conditions normally would be provided within 45 days from the date the joint EA/EIS and our Decision Notice is completed. It was agreed that if the Forest Service cannot provide 4(e) conditions on time and FERC does not grant an extension of time, the 4(e) conditions would be considered as recommendations only; however, these recommendations would still have to be addressed by FERC.

One of the primary reasons for delays in providing 4(e) reports is the lack of funding for resources necessary to conduct the hydropower review process. While collection agreements with applicants have helped expedite processing in some cases, these agreements are strictly voluntary and can only be used when an applicant is willing to enter into such an agreement. A projection of new applications for license or relicense would be helpful for budget planning purposes so that we can effectively carry out our review of hydropower project applications.

FOLLOW-UP

FERC and the Forest Service plan to conduct joint NEPA training sessions to better acquaint the Forest Service field with the FERC process, the Forest Service NEPA regulations as they apply to FERC projects, and the joint EA/EIS procedures. The Forest Service's proposed revised hydropower handbook will reflect our agencies' agreements relating to the joint NEPA process.

FERC agreed to provide a list of anticipated applications for license and relicense so that we can determine the amount of funding needed to administer our hydropower program. We would like the list to cover the next 5 years.

It was suggested at the meeting that the Forest Service 4(e) decision might be able to be incorporated into the FERC license, so that it is appealable through FERC and therefore ultimately through the Court of Appeals. In effect, the Forest Service could eliminate its appeals process for 4(e) decisions. This would save time since FERC would not have to wait 45 days or longer for the 4(e) decision to clear the Forest Service appeals process. Our Office of General Counsel is further exploring this option.

We believe the June 26, 1991, meeting was productive and we appreciate the open discussion. I welcome any expansion or clarification of any of the issues described above. Should you wish to formally concur with the contents of this memorandum, a concurrence line is provided below. Please call me at (202) 205-1248 if you have any questions or comments. We look forward to working with you in the future.

Sincerely,

GORDON H. SMALL
Director of Lands

Dean L. Shumway, Director, Division of Project Review — 11/6/91 Date

Enclosure 2

Target Timelines

ACTIVITY	CALENDAR DAYS FROM START	TARGET DATE	RESPONSI-BILITY
1. Scoping meetings	0	4/27/99	Comm and FS
2. End of public scoping comment period	30	5/27/99	Comm
3. Provide to FS any scoping comments received, draft SD2 or letter as needed 1/, and draft request for additional information from applicant if needed based on scoping input	51	7/12/99	Comm
4. Provide any comments on draft SD2 or letter, and draft request for additional information to Comm	81	8/11/99	FS
5. Issue SD2 or letter to all parties, and AIR to applicant, if needed	102	9/10/99	Comm
6. Receive applicant's responses to items 1, 6, 7, 9, 10, and 11 of AIR issued 10/29/98	217	11/25/99	Comm
7. Determine adequacy of applicant's response to AIR items filed 11/25/99	247	12/25/99	Comm
8. Issue Ready-for-Environmental Analysis (REA) Notice 2/	261	12/30/99	Comm
9. Provide preliminary 4(e) conditions to Comm	393	2/28/00	FS
10. Provide comment letters from REA Notice to FS	408	3/05/00	Comm

1/ SD2 will show any changes to SD1 that may have resulted from the scoping process.

2/ The REA Public Notice states that all information has been received on the project to enable us to start the environmental analysis. The notice allows 60 days for filing comments and agency terms and conditions with the Commission.

11. Provide draft Environmental Assessment (EA) to FS for comment	468	5/01/00	Comm
12. Provide comments on draft EA to Comm	498	5/31/00	FS
13. Issue draft EA	512	6/7/00	Comm
14. Provide comments on draft EA to FS	557	7/25/00	Comm
15. Provide draft Final EA (FEA) to FS for comment	587	8/15/00	Comm
16. Provide comments on FEA to Comm	617	9/15/00	FS
17. Issue FEA	647	9/30/00	Comm
18. Issue final 4(e) Conditions	707	10/14/00	FS
19. Issue final action	797	11/14/00	Comm

cc: Hydropower Coordinator
U.S. Forest Service Headquarters
Auditors Building, 4 South
201 14th Street SW
Washington, D.C. 20250

Erik Ostly, Forest Hydropower Coordinator
U.S. Forest Service
Sequoia National Forest
900 W. Grand Avenue
Porterville, CA 93257-2035

Wesley Moody, General Manager
Southern California Edison Company
2244 Walnut Grove Avenue
P.O. Box 800
Rosemead, CA 91770

Public Files
Mailing List

United States Department of Agriculture — Forest Service — Washington Office — 14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

Reply To: 2770

Date: SEP 18 1991

Mr. Dean L. Shumway
Director, Division of Project Review
Office of Hydropower Licensing
Federal Energy Regulatory Commission
825 North Capitol Street, N.E.
Washington, D.C. 20426

Dear Mr. Shumway:

This letter follows up on our June 26, 1991, meeting to discuss issues related to the joint Forest Service/Federal Energy Regulatory Commission (FERC) National Environmental Policy Act (NEPA) review process. We appreciated the opportunity to meet and discuss the various concerns that have been raised while our Agencies have jointly prepared several environmental assessments (EA). Many of these issues have come from the Rocky Mountain Region (Region 2) where FERC and the Arapaho-Roosevelt National Forest have been working on a joint EA for the Blue Hill Project. Below is a summary of the meeting, including the list of attendees, issues raised, agreements, and proposed follow-up action.

LIST OF ATTENDEES

Dean Shumway, Director, Division of Project Review (DPR), FERC
Kristina Nygaard, Assistant General Counsel, OGC, FERC
Merrill Hathaway, OGC, FERC
Edward Abrams, Associate Director, DPR, FERC
Thomas DeWitt, Chief, West Branch, DPR, FERC
Eddy Crouse, Chief, Environmental Review Section, East Branch, DPR, FERC
Ann Miles, Chief, Recreation and Land Use Unit, East Branch, DPR, FERC
Tom Camp, Environmental Protection Specialist, FS Coordinator, FERC
Gordon Small, Director, Lands, Forest Service
Eleanor Towns, Director, Lands, Region 2, Forest Service
Stuart Shelton, OGC, USDA
Suzanne Brown, FERC Coordinator, Forest Service
Mikel Shilling, Environmental Coordination, Forest Service
Sue Ballanski, FERC Coordinator, Region 2, Forest Service
Kim Berns, Lands Forester, Arapaho-Roosevelt National Forest
Phil Mattsen, Regional Environmental Coordinator, Region 6, Forest Service

SUMMARY

We identified and addressed issues related to the joint NEPA process. These included (1) lead Agency determination, (2) determination of the need for an environmental impact statement (EIS), (3) the scoping process, (4) the number

Caring for the Land and Serving People

be reviewed for consistency and consolidated into one package before providing the comments to the Commission's Coordinator.

Formal comments on the draft EA and Section 4(e) conditions must be filed with David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426.

Communication

The cooperating agencies will attempt to coordinate and exchange information informally during the scoping, information request, and environmental assessment processes. The Commission and Forest Service are free to communicate with each other on any issue related to the project licensing of the Lower Tule River Project. To the extent authorized by law (e.g. the Freedom of Information Act), all communication between the Commission staff and the Forest Service, written and verbal, will be kept confidential, except for Forest Service's formal filings with the Commission, and any communications regarding procedural, non-substantive matters. All communications between the two agencies, written and verbal, however, must be kept confidential. In addition, both staffs will refrain from communicating with persons, groups, or other agencies who are interested in the project regarding the content of preliminary documents.

The Commission's policy is that cooperating agencies may not also be intervenors in a proceeding because it would be inconsistent with the Commission's ex-parte rules. This prohibition applies even if a cooperating agency terminates its cooperating agency status.

Project Coordinators

Commission	Forest Service
Nan Allen (HL-11.4)	Erik T. Ostly
Project Coordinator	Project Coordinator
Federal Energy Regulatory Commission	U.S. Forest Service Sequoia National Forest
888 First Street, NE	900 W. Grand Ave.
Washington, DC 20426	Porterville, CA 93257
Phone: (202) 219-2938	Phone: (559) 784-1500 ext. 1136
FAX: (202) 219-2152	FAX: (559) 781-4744
nan.allen@ferc.fed.us	eostly/r5_sequoia@fs.fed.us

Termination of LOU

Either agency may terminate its involvement in this agreement with 30 days written notice to the other agency.

We appreciate the interagency cooperation and coordination of the Forest Service in accomplishing mutual interests for the

Lower Tule River Project, and look forward to working with you and members of your staff.

Sincerely,

Carol L. Sampson

Carol L. Sampson
Director
Office of Hydropower Licensing

I concur with this LOU:

Arthur L. Gaffrey
Forest Supervisor

Date

Enclosures

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D. C 20426

OFFICE OF HYDROPOWER LICENSING

JUN 18 1999

Hydroelectric Project
Project No. 372-008-California
Southern California Edison Company

Mr. Arthur L. Gaffrey
Forest Supervisor
Sequoia National Forest
900 W. Grand Ave.
Porterville, CA 93257

Dear Mr. Gaffrey:

This letter of understanding (LOU) documents the procedures that the U.S. Forest Service (Forest Service) and the Federal Energy Regulatory Commission (Commission) will use to prepare scoping documents and draft and final environmental assessments (EA) for the proposed relicensing of the Lower Tule River Hydroelectric Project. The project would be operated and maintained by the applicant, Southern California Edison Company, and would partially be on land administered by the Sequoia National Forest near Springville.

This LOU incorporates the cooperating agency procedures contained in the letter dated September 18, 1991, signed by Gordon Small and Dean Shumway (Enclosure 1).

Purpose of the EA

The National Environmental Policy Act (NEPA), requires the Commission to prepare either an EA or Environmental Impact Statement (EIS). An EA may be prepared to determine whether or not relicensing the project may result in a significant effect on the environment, in which case an EIS will be prepared. The Forest Service will use the EA or EIS to support its determination of the conditions necessary for the protection and utilization of the Forest pursuant to Section 4(e) of the Federal Power Act.

Baseline

Per the Commission's policy, the current state of the environment, including the operation of the project under the current licenses' terms and conditions, is the baseline condition against which all alternatives in the EA will be compared. This does not preclude consideration of information regarding pre-project environmental conditions.

Responsibilities

The Commission will act as the lead agency and the Forest Service will participate as a cooperating agency during preparation of scoping documents and draft and final EAs. The Forest Service will assist in preparing those sections that are unique to its regulations and policies. The Commission, as lead agency, will prepare drafts of the DEA and the FEA, and will provide them to the Forest Service for its reviews. Drafts of all documents will be sent simultaneously to the Forest Supervisor and the Regional Forester to expedite review.

The Forest Service will also provide technical expertise, review draft documents prepared by the Commission staff, and comment within the review period established in Enclosure 2. The Forest Service will promptly inform the Commission of any needs to revise the schedule presented in Enclosure 2. The interdisciplinary team members for the Commission and Forest Service are listed in Enclosure 3.

Correspondence

The Commission will distribute (within 5 working days) to the Forest Service all letters sent to the applicant by the Commission during the proceeding, all comments received during the comment periods, and all other formal correspondence by the Commission that relates to the project. In order to facilitate timely preparation, review, and exchange of information, the Commission and Forest Service will use overnight delivery mail services, facsimile machines, or E-mail messages.

The Forest Service's comments on the scoping documents, and draft and final EAs will be entered in writing in the margins of the documents, or summarized in a memorandum. Comments will be sent to the Commission's Project Coordinator at the addresses provided below. Editorial corrections, format, and spelling errors need not be shown on every page. Rather, generic corrections (e.g. the same word misspelled throughout the document) will be corrected once it is noted in the margin or memorandum.

The Commission will provide documents in accordance with the schedule that appears in Enclosure 2 in this LOU, and the Forest Service will return review comments on drafts in accordance with that same schedule. Failure of Commission staff to meet the target dates for providing drafts to the Forest Service as identified in Enclosure 2 may require re-negotiation of the time needed by the Forest Service to review comments and return them to the Commission. All comments made by the Forest Service will

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FEDERAL ENERGY REGULATORY COMMISSION

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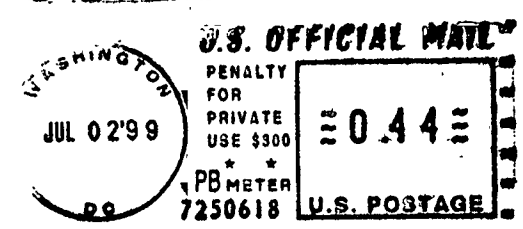

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STATE OF CALIFORNIA DIRECTOR
CALIFORNIA WATER RESOURCES CONTROL BOARI
DIVISION OF WATER RIGHTS
901 P STREET - POST OFFICE BOX 2000
SACRAMENTO, CA 95801-2000

Schedule A
Project No. 372-008

ADDITIONAL INFORMATION

You have 120 days from the date of this letter to provide the following additional information. In the items listed below, you are asked to provide agency comments and must allow a minimum of 30 days for agency response before filing the information. If the agencies do not reply, you should provide the Commission with dated copies of the letters of request.

1. You have asked us to accept IFIM study results that use transect data transferred from an IFIM study conducted by the Pacific Gas and Electric Company for the Tule River Project, FERC No. 1333, on the North Fork of the Middle Fork Tule River (NFMF). You completed an analysis that shows the weighted usable area (WUA) for the NFMF and Middle Fork transects are significantly correlated when flows are about 5 cfs in the Middle Fork. Transect data for the Middle Fork was measured at only one water surface elevation and one velocity. We are unable to accept the transect data from the NFMF study because the correlation can be verified only for low flows. While the WUA may be similar at low flows, it would be necessary to show that the correlation would hold at higher flows. Additionally, a 100-year flood occurred subsequent to the Middle Fork data collection, and the Middle Fork data at 5 cfs may no longer represent WUA at this flow.

In a September 3, 1997, letter, the U.S. Fish and Wildlife Service (FWS) outlined additional work that would be necessary to show the transferability of the NFMF data to the Middle Fork reach. We concur that the work requested by the FWS is necessary to support transferability of data. We also agree with your conclusion, however, that the degree of work requested by the FWS would be as great as conducting a site-specific IFIM in the project reach of the Middle Fork.

Therefore, please conduct a site-specific IFIM study for the Lower Tule Project. Because spawning habitat may increase significantly up to 30 cfs, transact data must be collected at 30 cfs, or the highest available flow if less than 30 cfs, as described in your memorandum to FWS dated November 5, 1997, and the FWS response dated November 20.

Develop the study plan after consultation with the FWS, U.S. Forest Service (FS) and California Department of Fish and Game (CDFG). The study results must include the following:

(a) a description of the methods used in the study,

(b) an analysis of the results of the study;

(c) the estimated amount and value of lost generation for any flows you model based on the IFIM results; and

(d) documentation of consultation with the agencies before initiating the study, including specific descriptions of how all of the agency comments and recommendations were accommodated by the study plan (you must allow the consulted parties a minimum of 30 days to provide you with comments regarding the development of the study plan).

You must provide the consulted agencies with the results of the study, and allow them a minimum of 30 days to provide you with their comments. Include documentation of your request for agency comments and copies of the agency comments and recommendations, if any, in the response you file with the Commission.

2. Exhibit E, Appendix C2, tables C2.7 and C2.8 show the average daily water temperatures recorded for 1996 and 1997, but do not show the corresponding average daily flows. Please provide in table form the corresponding temperature data, as was done in tables C2.1 through C2.3, for earlier study years.

3. Exhibit E, Figures 2.3-8 through 2.3-10, and 2.3-13 and 2.3-14, show the legends for flows and air temperatures, but not the data that corresponds to the water temperatures plotted. Please add these data to the figures, and provide each figure on a 8.5 X 11-inch page to make it more readable. Additionally, please provide a separate figure and table, showing the average daily temperature and flow data from September 1, 1997 through October 15, 1997. This interval includes periods before and after a project outage that interrupted flow diversions.

4. In letters dated, June 27, 1996, and May 21, 1998, the FS asked you to discuss the occurrence or non-occurrence of the Kern brook lamprey, a fish species of concern, in the vicinity of the project. The FS recommended Dr. Peter Moyle, University of California-Davis, as a source for this information. We are unable to find a resolution of this request in the application. If you have contacted Dr. Moyle regarding the presence of Kern brook lamprey in the Lower Tule River, please submit documentation of the contact. If Dr. Moyle has not been contacted, please do so and submit documentation of the contact or attempted contact. If Kern brook lamprey has been reported, please evaluate any impacts to the species from the project facilities and operation.

5. To establish that you have requested a Section 401 water quality certification please provide: (a) a copy of your certification request to the State Water Resources Control Board (SWRCB); and (b) proof that the SWRCB received the request. Proof of receipt must be either: (1) a copy of a certified mail receipt showing the date the SWRCB received the Section 401 request; or (2) a letter from the SWRCB confirming the receipt

date.

6. On page E.2.5-5 of Exhibit E, you identify three riparian diversions that could affect the volume of flow in the bypassed reach. Please give the volume of the diversions, seasonal use rates if appropriate, and explain how these diversions affect the availability of minimum flows released to the bypassed reach. Include a description of the effects the diversions have on minimum flows for native fishes in the lower bypassed reach.

7. On page E-2.2-24 of Exhibit E, you state that there has been some wildlife drowning in the project's 8,584 feet of open canal. As a result, through consultation with the agencies, you propose construction of three escape structures, in addition to the three existing crossings, to facilitate wildlife movements out of the waterways and to minimize wildlife mortality. We are concerned whether your proposed three escape structures provide adequate long-term prevention to wildlife mortality along project waterways.

Therefore, after consulting with the FS, FWS, and CDFG, please provide the following:

(a) a wildlife drowning prevention plan for project waterways, including the following:

(1) a location map showing the existing wildlife crossings, and proposed escape structures;

(2) a report showing locations, species, and known occurrence of mortality along project waterways, and an assessment for the number and design of structures you propose; and

(3) a monitoring plan to measure wildlife mortality and success of your proposed escape structures, and provisions for considering additional and/or alternative measures, as needed.

(b) documentation that the agencies were consulted;

(c) copies of all agency comments or recommendations on your proposed prevention plan (you must provide the consulted agencies with copies of your plan, and allow them a minimum of 30 days to provide you with their comments. Include documentation of your request for agency comments and copies of the agency comments and recommendations, if any, in the response you file with the Commission); and

(d) specific discussions of how agency comments or

recommendations are accommodated.

8. On page E-2.2-26 of Exhibit E, you propose to continue implementing the following Southern California Edison (SCE) environmental resource programs with the Lower Tule Project: Endangered Species Alert Program (ESAP), Environmental Training Program (ETP), and Raptor Protection Program (RPP). Specifically, these programs are intended to reduce disturbance to wildlife during continued maintenance of the project.

Exhibit E, Appendix A, presents an excerpt from the ESAP Manual but no supplemental support information is provided for the ETP nor the RPP. To evaluate the completeness and details of these programs as applicable to your project, please provide legible copies of them or excerpts relevant to the Lower Tule Project, including any applicable maps and other supporting material and monitoring.

9. The application examines possible large bird (i.e., turkey vulture, osprey, and golden eagle) electrocution hazards, along the existing 11,000-mile-long transmission line, but does not discuss known or possible bird collision hazards with the project's powerline towers or lines. We are also concerned about possible transmission line impacts to listed species, such as the endangered peregrine falcon and threatened bald eagle.

Therefore, to carefully assess possible bird collision impacts in the project area, including listed species, please provide the following:

(a) a report of any known or suspected bird mortality from collisions with the project's transmission system;

(b) detailed structural design of the transmission towers;

(c) a collision risk assessment following the Avian Power Line Interaction Committee report entitled Mitigating Bird Collisions with Power Lines: The State of the Art in 1994; and

(d) a plan or strategy to eliminate or minimize any potential collision hazard, if bird mortality is evident from this source, using the aforementioned guidelines; measures should include proposed disposal of dead or injured wildlife species.

In addition, to accurately assess potential effects to wildlife along the project's transmission line right-of-way, please provide the following that your application does not contain:

(e) maps of the transmission line route, right-of-way

dimensions, and access roads with marked project boundaries; and

(f) a detailed description of the maintenance program for the project transmission line right-of-ways, including:

(1) vegetation manipulation practices;

(2) any application of herbicides to control undesired vegetation;

(3) any element of fire control and prevention practices that could affect wildlife, including listed species; and

(4) frequency of all maintenance activities.

10. On page E-3-3 of Exhibit E, you propose to conduct additional surveys for the California red-legged frog (federally threatened and FS sensitive species), foothill yellow-legged frog (federal species of concern), western pond turtle (FS sensitive species), and legless lizards in the project area in the late summer/early fall of 1998. Some of these species could occur in your project area and could be adversely affected by continued operation or routine project maintenance.

Therefore, after consulting with the FS, FWS, and CDFG on accepted survey procedures, please continue the appropriate surveys by a biologist who is knowledgeable in the identification and biology of these species in potentially suitable habitats within the project boundary. Please provide the following information that has not resulted from previous surveys:

(a) a description of the survey methods, including dates and times of observation, map of survey area, total time spent surveying, and results of the surveys you conducted;

(b) habitat assessments for these species following appropriate FWS guidance, including descriptions of effects of the actions likely to impact the species in the project area;

(c) a description of the effects of non-native fish on native amphibians;

(d) detailed plans or measures to protect each of these sensitive species that are found in the project area, and that could be adversely affected by the project; and

(e) documentation that you consulted with the agencies to

determine whether the project may affect any of the surveyed species or whether additional surveys would be needed.

11. During filed inspections of the project area, fifteen populations of the federally-listed threatened and state-listed endangered Springville clarkia were found along the existing project's flume and penstock. Because of ground and vegetation disturbance caused from maintenance activities, you state that there could be potentially significant adverse impacts on this species.

You state that your Endangered Species Alert Program has recently been updated to include the locations of the Springville clarkia, and that SCE employees are offered training on impact avoidance. However, we need better insurance that known populations will not be adversely affected on this species.

Therefore, in compliance with the Endangered Species Act through consultation with the FWS and CDFG, please identify the extent of specific impacts expected on the known populations of the Springville clarkia in the project area, and a description of viable measures you propose to protect and preserve them. You should also provide documentation that you consulted with the agencies, including their responses, and any cost estimate for implementing the measures you propose.

12. Please provide a schedule for implementing your proposed River Interpretative Program, and cost estimates for producing and implementing the program. Explain what long term participation and funding SCE will provide to the FS.

13. In your consultation sessions with the agencies, vandalism problems at the project were identified, along with measures to manage vandalism. Please provide a schedule for implementing the measures to manage vandalism at the project, and cost estimates for producing signage and other management methods.

14. Your license application refers to seven key observation points (KOPs) of aesthetic visual impact, but does not provide photographs of the views from the KOPs. Please provide maps, drawings, and color panoramic photographs sufficient to provide an understanding of the project's aesthetic impacts. Additionally, please provide computer enhanced photographs of various alternative aesthetic treatments for the water conveyance system closest to highway 190.

15. State whether there have been any studies to increase the capacity of the plant. If there have been studies, please provide copies of the studies.

Enclosure:
Schedule A

cc: Service List
Public File

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D C 20426

COPY

OFFICE OF HYDROPOWER LICENSING

Project No. 372-008 - California
Lower Tule Hydroelectric Project
Southern California Edison Company

OCT 29 1998

Mr. Wesley Moody
General Manager
Southern California Edison Company
2244 Walnut Grove Avenue
P.O. Box 800
Rosemead, CA 91770

Dear Mr. Moody:

We need additional information before we can complete our evaluation of your license application for this project. Under section 4.32(g) of the Commission's regulations, you have 120 days from the date of this letter to provide the information we request in the enclosed Schedule A. If the requested information causes any other part of the application to be inaccurate, that part must also be revised and refiled by the due date.

We ask you to provide both agency comments and your response to those comments. Within five days of receipt, you should provide a copy of this letter and the enclosed schedule to all agencies that we ask you to consult. Then, when you complete your response, make a written request to the agencies for comment. Allow the agencies at least 30 days to respond before filing the information with the Commission. In your filing, you should include copies of all agency comments and recommendations, and tell how you address them. If the agencies do not reply, you should provide us dated copies of your letters of request for comments.

When you file the requested information with us, you must at the same time serve copies of the filing on each agency consulted under section 4.38 of the regulations.

If you have any questions, please contact Nan Allen at (202) 219-2938.

Sincerely,

Carol L. Sampson
Director
Office of Hydropower Licensing

16. Submit a single-line diagram, including existing system facilities identified by name and circuit number, that show system transmission elements and system loads in relation to the project and other principal interconnected system elements.

17. On page E-1-8, sections 1.3.6 and 1.3.7, you list programs, measures, and facilities recommended by agencies and proposed by SCE. Provide a cost related to these items if they were to be carried out.

18. Provide two copies of each of the following:

(a) California Public Utilities Commission Decision 97-06-060 mentioned on page H(a)-2 of the license application; and

(b) California Energy Commission ER96 staff testimony attachment 1 "Electric Supply and Demand Balance", dated June 18, 1996.

19. Provide an estimate of the unamortized debt for the Lower Tule Project as of December 31, 1997.

20. Provide a list of the potentially relevant comprehensive plans referred to on page H(a)-6, section H.a.8., of the license application.

STATE WATER RESOURCES
CONTROL BOARD

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